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≡ Agenda

NOTICE OF CANCELLED MEETING

The following Regular Port Commission Meeting has been CANCELLED:

5
8/05
2

MARCH 8, 2005 @ 3 P.M.

The next regularly scheduled Port Commission meeting is scheduled

on

MARCH 22, 2005 @ 3:00 P.M.

at the
Ferry Building
Port Commission Hearing Room, Second floor

DOCUMENTS DEPT

FEB - 4 2005

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San Francisco Port Commission
Pier 1, San Francisco, CA 94111
(415) 274-0406

07-04-15P03.19 RCV

ACCESSIBLE MEETING INFORMATION

Ferry Building: The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots:

- A) 3 spaces in the surface lot on the west side of the Embarcadero at Washington St.
- B) 3 spaces in the Pier 1/2 lot, located on the east side of the Embarcadero between the Ferry Building and Pier 1. During business hours this lot is operated by valets.
- C) Hourly and valet parking in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa.

Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington St., Folsom St. & Drumm St.

Pier 1:

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Know Your Rights Under the Sunshine Ordinance. Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Castro by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine/>

Lobbyist Registration and Reporting Requirements. Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.

SAN FRANCISCO PORT COMMISSION

Wilfred Hsu, President
Michael Hardeman, Vice President
Kimberly Brandon, Commissioner
Sue Bierman, Commissioner
Ann Lazarus, Commissioner

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MAR - 4 2005

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Monique Moyer, Executive Director
Phone: 415-274-0400; Fax: 415-274-0412

Amy Quesada, Commission Secretary
Phone: 415-274-0406; Fax: 415-274-0412

JOINT SPECIAL MEETING WITH THE WATERFRONT DESIGN ADVISORY COMMITTEE

03-04-05P03:41 RCVD

6:00 P.M. TO 9:00 P.M., TUESDAY, MARCH 8, 2005
PORT COMMISSION HEARING ROOM, 2ND FLOOR
FERRY BUILDING, SAN FRANCISCO, CA 94111

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk.

AGENDA

1. **CALL TO ORDER / ROLL CALL**
2. **MOTION TO SUSPEND THE PORT COMMISSION RULES OF ORDER** to permit the Workshop on the Design of the Proposed Embarcadero Hotel to be conducted pursuant to the Agenda description set forth for Item 3 below, with the understanding that any member of the public will have the opportunity to speak on the subject of the workshop for at least one minute.
3. **EMBARCADERO HOTEL DESIGN WORKSHOP**
 - A. Introduction: Facilitator Peter Winkelstein
 - B. The Request for Proposals Process: Byron Rhett
 - C. Presentation by Planning Department: Amit Ghosh
 - D. Presentation by Waterfront Design Advisory Committee (WDAC)
 - E. Presentation of Current Project Design: Mark Hornberger

F. Community Presentations

1. Presentation by Telegraph Hill Dwellers
2. Presentation by Waterfront Action Group
3. Presentation by other community members

G. Public Comment and Facilitated Discussion with Commission/WDAC/Community/Stanford/Port staff

H. Port Commission Discussion & Comments

I. Conclusions/Wrap-Up: Facilitator

4. **ADJOURNMENT**

MARCH/APRIL 2005

CALENDAR OF UPCOMING PORT MEETINGS - OPEN TO THE PUBLIC

| Date | Time | Group | Location |
|----------|-----------|----------------------|--|
| March 8 | 6:00 p.m. | Port Commission/WDAC | Port Commission Room @ Ferry Building |
| March 22 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |
| April 12 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |
| April 26 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |

NOTES:

The San Francisco Port Commission meets regularly on the 2nd and 4th Tuesday of the month at 3:00 p.m., unless otherwise noticed. *The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com.* Contact Amy Quesada at 274-0406.

The Cruise Terminal Environmental Advisory Committee generally meets the third week of each month. Date and time to be determined. Contact Michael Nerney at 274-0416.

The Environmental Quality Advisory Committee (EQAC) meets regularly on the fourth Thursday of the month at 9:00 a.m. at Scoma's Restaurant, Pier 47 @ Fisherman's Wharf. Contact Jay Ach @ 274-0562.

The Fisherman's Wharf Waterfront Advisory Group meets regularly on the 3rd Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Kirk Bennett @ 274-0545.

The Maritime Commerce Advisory Committee (MCAC) meets on a bi-monthly basis, on the third Thursday of the month, from 11:30 a.m. to 1:30 p.m. @ Pier 1. Contact Jill Rodby @ 274-0519.

The Mission Bay CAC meets regularly on the 2nd Thursday of the month, from 5:30 to 7:30 p.m. at the Mission Bay Visitor Center (255 Channel Street). Contact Tom Evans, Redevelopment Agency, at 749-2539 or tom.evans@sfgov.org for more information.

The Northeast Waterfront Advisory Group meets regularly on the 1st Wednesday of the month at 4:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Kirk Bennett @ 274-0545.

The Pier 70 Advisory Group meets monthly on an as-needed basis generally on the 2nd Wednesday of the month from 4 to 6 p.m. at the Potrero Campus of the California College of Arts and Crafts, Board Room, 1111 - 8th Street between Irvin and Hooper. Contact Mark Paez @ 705-8674.

The Rincon Point-South Beach CAC meets regularly on the 3rd Monday of the month, from 5:00-7:00 p.m. at the South Beach Yacht Club (Pier 40 on The Embarcadero). Contact Tom Evans, Redevelopment Agency, at 749-2539 or tom.evans@sfgov.org for more information.

The Southern Waterfront Advisory Committee (SWAC) meets every last Wednesday of the month from 6:15 to 8:15 p.m. Location to be determined. Contact David Beaupre @ 274-0539 or david_beaupre@sfport.com.

The Waterfront Design Advisory Committee meets jointly with BCDC's Design Review Board on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. or the Committee meets as needed on the 3rd Tuesday of the month from 11 a.m. to 1 p.m. in the Bayside Conference Room @ Pier 1. Contact Dan Hodapp @ 274-0625.

The Port Permit Appeals Committee meets regularly on the first Thursday of June and December of the year. For further information contact Ed Byrne at 274-0570 or Dan Hodapp at 274-0625.

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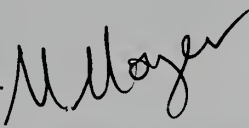
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MEMORANDUM

March 3, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon
Hon. Sue Bierman
Hon. Ann Lazarus

FROM: Monique Moyer
Executive Director 

SUBJECT: Embarcadero Hotel Design Workshop
Joint Meeting with the Waterfront Design Advisory Committee

INFORMATIONAL WORKSHOP ONLY; NO ACTION REQUIRED

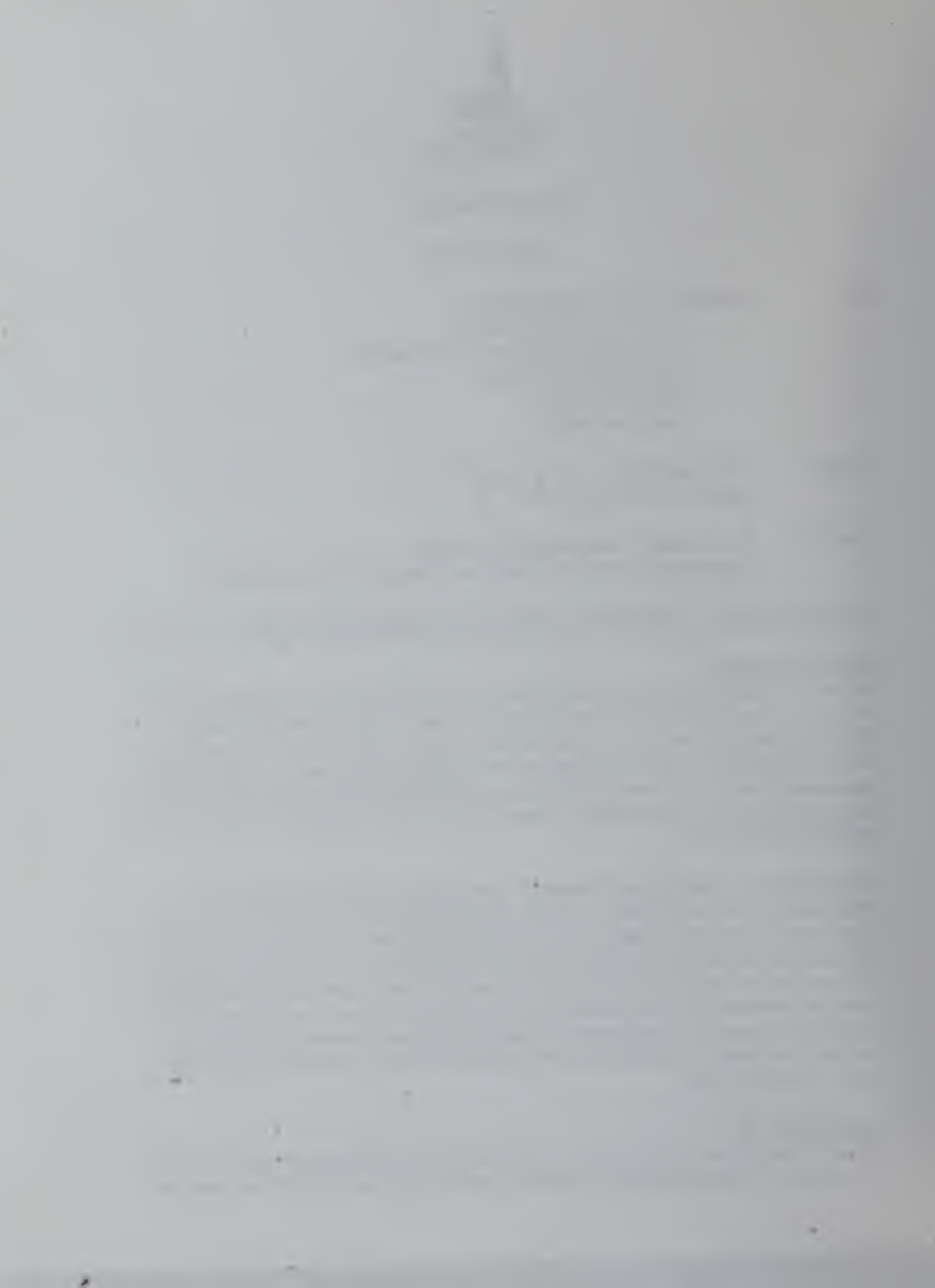
THE WORKSHOP

At the Port Commission meeting on December 14, 2004, during the hearing regarding the work product provisions of the Exclusive Right to Negotiate agreement with Stanford Hospitality, the Port Commission requested that a public meeting be held to discuss design concerns raised by the community about the Embarcadero Hotel project. In response to this request, a design workshop for the Embarcadero Hotel project has been calendared for March 8, 2005 in a Special Meeting to be held jointly with the Waterfront Design Advisory Committee ("WDAC").

The Embarcadero Hotel Design Workshop ("Workshop") will be facilitated by Peter Winkelstein, FAIA, San Francisco architect, Principal Emeritus of Simon Martin-Vegue Winkelstein Moris and a member of the SPUR Board of Directors. He will moderate the discussion and assist with flushing out issues to be discussed. The Workshop will include both prepared presentations and an open, more informal session for a facilitated discussion among the attendees. All members of the public will have an opportunity to comment. Issues that are expected to be discussed include the height and massing of the hotel, view corridors, the project's compatibility with the historic district, the pedestrian realm, and other community issues.

BACKGROUND

By way of background, the following is a brief summary of the history of the hotel project. In August 1999 the Port Commission authorized staff to enter into exclusive negotiations



with Stanford based on its response to the Port's Request for Qualifications and Proposals ("RFQ/P") for the lease, development and operation of a full-service, first-class hotel on several Port parcels and one City-owned parcel located between Broadway and Vallejo and between The Embarcadero and Front Street (shown on the attached Site Plan, Exhibit A). Stanford owns and manages 18 full-service hotels and has experience with new development and remodeling construction. On November 7, 1999 the Port and Stanford executed an Exclusive Right to Negotiate agreement ("ERN"). There have been several extensions of the ERN, and the Agreement expires on November 30, 2005.

Stanford first presented its proposed design to the Port Commission in June 1999, which envisioned a large hotel of approximately 430 rooms located on several parcels, connected by a pedestrian bridge across Davis Street, with subterranean parking and a building structure on the parcels north of the hotel. Since that date, the design and programming have undergone several revisions. Some changes were based on input from community groups (including the Port's Northeast Waterfront Advisory Group), others were based on hotel operation requirements, while several design changes were based on recommendations of the WDAC.

In August 2002 Stanford submitted a design concept for a smaller full-service hotel and accompanying financial proposal with a reduced rent to the Port. Based on the reduced-size design concept and financial proposal, the Port Commission directed staff to negotiate new lease terms with Stanford and to pursue the smaller hotel project (the current proposal).

In the smaller design concept, the hotel was reconfigured such that all hotel rooms and functions are contained in one building on the front lot (Seawall Lot 324), and all parking is contained within a free-standing parking structure on the back lot (Seawall Lot 322-1). The elevated pedestrian bridge across Davis Street was eliminated. While the hotel was reduced in size to approximately 260 guest rooms, it still retains all of the public functions and amenities normally found in a first-class, four-star hotel, such as restaurants, lobby bar, meeting space, retail space, a fitness center and business center. The parking structure will contain approximately 400 parking spaces to serve both hotel guests and visitors to the waterfront and 1,500 to 3,500 square feet of retail space on the ground floor along Broadway. The parcels north of the hotel will be landscaped and provide a garden-like setting for hotel guests and the community to enjoy.

THE DESIGN REVIEW PROCESS

The Embarcadero Hotel project has been reviewed several times by the *Waterfront Design Advisory Committee* ("WDAC"), a design review board established under Planning Code Section 240. The WDAC was established to review the design of Port development projects.

The WDAC consists of 5 members who are qualified professional urban planners or architects (general, historic or landscape). The Port selects one member from its senior staff and appoints one member from the community; the Planning Department selects one member from its senior staff and appoints one member from the community; and the

Mayor's office selects one member. At the time of the hotel project's reviews, all 5 members were in attendance, although recently there have been two vacancies on the WDAC. As of March 4, 2005, the two vacancies were filled.

The WDAC is advisory to the Port Commission and to the Planning Commission. The WDAC usually reviews a proposed project design during each state of design development, but it will not make a final recommendation to the Port Commission until after environmental review documents on the project are available. In the case of the hotel, the WDAC has not made any official recommendations to the Port Commission, but it has given direction to the developer and preliminary support for the current design proposal.

Seawall Lot 324, the parcel on which the hotel building is proposed, is zoned for 84 feet. However, based on prior input from the community, the RFP limited height to 65 feet on this lot. During early reviews of the hotel project, the WDAC members grappled with one of the design criteria for Seawall Lots 323 and 324 set forth in the Design and Access Element of the *Waterfront Land Use Plan*, which states:

Use building height at or near the sidewalk edge to emphasize the corner of Broadway and The Embarcadero. North of this edge feature, step height down to 40 feet along The Embarcadero frontage. Allow increased building height along the Broadway frontage and in the interior of the site.

Initial hotel designs showed a lowered height on the Embarcadero façade, then stepping up to 65 feet. The WDAC did not support this design approach. At a WDAC meeting on October 23, 2001, the Planning Department presented a Study of Embarcadero Urban Design which studied heights of buildings along the Embarcadero. The Study concluded that the Embarcadero could easily support a building height of 75-85 feet and that such a height was appropriate at the important intersection of Broadway and the Embarcadero.

After reviewing this Study, the WDAC advisers recommended that, based on the surrounding built environment, the width of the Embarcadero (170'), adjacencies and community concerns, the appropriate height for a building on Seawall Lot 324 is 65' without a step down to 40' on the Embarcadero. Stanford designed the hotel at 65 feet along the Embarcadero frontage.

The WDAC's recommendation, when formalized, would require amendment of the *Waterfront Land Use Plan, Design and Access Element Criteria* referred to above to clarify that the clause means "step height down to 40 feet along The Embarcadero frontage starting at Seawall Lot 323."

The RFP also requested use of building height, structural elements, or architectural features at or near the sidewalk edge to emphasize the corner of Broadway and the Embarcadero and to highlight this entrance to North Beach and Chinatown. The WDAC supported added height at the corner, and the current design rises to 77 feet at the corner.

It should be noted that height limits refer to **occupied** areas, per the Planning Code, and that additional height is allowed for unoccupied areas such as mechanical equipment, architectural features and roof parapet.

CONCLUSION

This is not an action item. The purpose of the workshop is to inform the Commissioners and the public about the project design and about the community's concerns, and for staff and the developer to receive guidance and feedback from the Port Commissioners.

Prepared by: Jennifer Sobol
Project Manager
Planning & Development Division

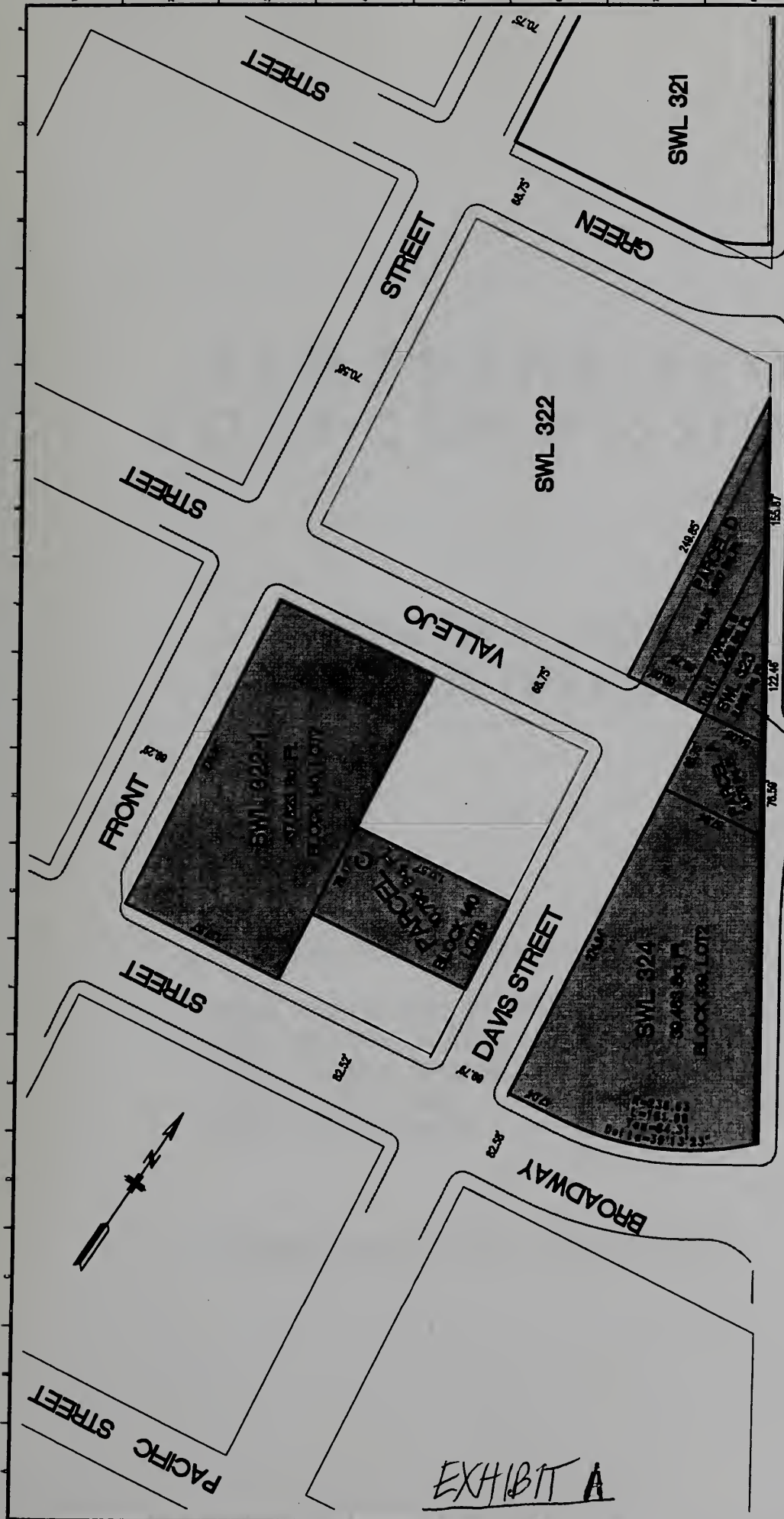



EXHIBIT A

THE

EMBARCADERO

| | | | | | | | | | | | |
|--|--|---|--|--|--|-------------------------|--|-------------------------------|--|----------------------------------|--|
|  <p>SAN FRANCISCO PORT COMMISSION PORT OF SAN FRANCISCO DEPARTMENT OF ENGINEERING</p> | | <p>DESIGNED: DATE: 10/10/78 J.S. CHECKED: DATE: 10/10/78 J.S.</p> | | <p>APPROVED BY: DATE: 10/10/78 SAN FRANCISCO PORT COMMISSION</p> | | <p>SCALE: 1" = 120'</p> | | <p>EMBARCADERO HOTEL SITE</p> | | <p>CONTRACT NO. 11785-324-PL</p> | |
| <p>REFERENCE INFORMATION: A FULL SET OF DRAWINGS</p> | | <p>DATE: 10/10/78</p> | | <p>DATE: 10/10/78</p> | | <p>DATE: 10/10/78</p> | | <p>DATE: 10/10/78</p> | | <p>FIGURE 1 - SITE PLAN</p> | |
| <p>DATE: 10/10/78</p> | | <p>DATE: 10/10/78</p> | | <p>DATE: 10/10/78</p> | | <p>DATE: 10/10/78</p> | | <p>DATE: 10/10/78</p> | | <p>PL-1</p> | |
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MARCH 8, 2005 MINUTES OF THE MEETING

MEMBERS, PORT COMMISSION

HON. WILFRED HSU, PRESIDENT
HON. MICHAEL HARDEMAN, VICE PRESIDENT
HON. KIMBERLY BRANDON
HON. SUE BIERMAN
HON. ANN LAZARUS

MONIQUE MOYER, EXECUTIVE DIRECTOR

2024-2025 WINTER

2024-2025

WINTER

2024-2025

WINTER

2024-2025

WINTER

2024-2025

WINTER

**CITY & COUNTY OF SAN FRANCISCO
PORT COMMISSION**

**JOINT SPECIAL MEETING
WITH THE
WATERFRONT DESIGN ADVISORY COMMITTEE**

**MINUTES OF THE MEETING
MARCH 8, 2005**

1. CALL TO ORDER / ROLL CALL

Commission President Wilfred Hsu called the meeting to order at 6:15 p.m. The following Commissioners were present: Wilfred Hsu, Michael Hardeman, Kimberly Brandon, Sue Bierman and Ann Lazarus.

2. MOTION TO SUSPEND THE PORT COMMISSION RULES OF ORDER to permit the Workshop on the Design of the Proposed Embarcadero Hotel to be conducted pursuant to the Agenda description set forth for Item 3 below, with the understanding that any member of the public will have the opportunity to speak on the subject of the workshop for at least one minute.

ACTION: Commissioner Hardeman moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor.

3. EMBARCADERO HOTEL DESIGN WORKSHOP

The following WDAC members were present: Boris Dramov, Amit Ghosh, Dan Hodapp, and Katherine Moore. Marsha Maytum was not present. Mr. Hodapp introduced Katherine Moore and welcomed her to her first committee meeting. She is a very experienced urban designer and architect with 28 experience with Skidmore Owings and Merrill, experienced on projects all over the U.S and all over the world. She is also currently on the Treasure Island Citizens Advisory Committee and chairs the early design subcommittee. Marsha Maytum has just accepted a position of this committee but was not able to attend tonight's meeting.

Commissioner Hsu indicated that this is a Joint Special Meeting of the San Francisco Port Commission and the Waterfront Design Advisory Committee. The Port Commission requested that a public meeting be held to discuss design concerns raised by the community about the Embarcadero Hotel project. This Embarcadero Hotel Design Workshop was scheduled and prepared by staff. Peter Winkelstein will act as a facilitator for the workshop. Mr. Winkelstein is a Francisco architect, retired from the firm of Simon Martin-Vegue Winkelstein Moris, where he was a principal for 15 years. He is a member of the Board of Directors of San Francisco Planning Association for the

Richmond District. He thanked him for his service this evening. He turned the meeting over to Peter Winkelstein. Commissioner Hsu acknowledged Supervisor Aaron Peskin and Dean Macris, interim director of the San Francisco Planning Department and welcomed them to the meeting.

- A. Introduction: Facilitator Peter Winkelstein welcomed everyone to the meeting. His job is to moderate and move things along and try to keep everybody to their allotted time. There will be an hour and a half of presentations. After the first hour and a half, there will be an informal session of discussions which he hopes that members of the Port Commission and the WDAC will join in and respond.
- B. The Request for Proposals Process: Byron Rhett, Director of Planning & Development, indicated that there are two attributes that differentiate the Port from other public agencies. First, the Port is a Trustee of Public Trust lands, owned by the people of the State of California. Our mission is to develop uses that promote navigation, fisheries, maritime uses, preserve natural resources, provide public access and attract people to the waterfront. Housing and general office are not public trust uses. Second, the Port is an enterprise agency and completely self-supporting; does not receive tax revenues from City. In fact 20% of the Port's budget goes to the City.

The Waterfront Land Use Plan was adopted in 1997 after a 7-year community planning process. The Plan sets goals and establishes criteria for managing and developing the San Francisco waterfront. A hotel was identified as a preferred public trust use; hotels are prohibited on piers. Seawall lots located at the Embarcadero and Broadway are one of the few sites on Port property feasible and acceptable for a hotel; these lots are identified in the Waterfront Land Use Plan (WLUP) as having high near-term revenue-generating potential for the Port, and "optimizing revenue should be a strong consideration in the development."

The hotel will provide many benefits to the Port and to the City: revenue to the Port, taxes to the City both possessory interest and occupancy taxes.

The goal of the RFP was to select a developer/operator who will ground lease the site at Broadway and the Embarcadero and construct and operate a first-class full-service hotel on the site.

Based on the Waterfront Land Use Plan, the Port Commission issued an RFP to interested developers to build and manage a first class, 4-star hotel on SWL 323, 324 and 322-1 and the street ends of Vallejo and Davis. Prior to issuance, the Port met with the Broadway Development Site Advisory Group, consisting of members of the community, for input and advice into the RFP's design and planning objectives. The RFP allowed up to 65 feet for a financially viable hotel.

Stanford was selected by the Port Commission to build the hotel because its proposed project meets the stated goal of the RFP. The RFP listed many planning objectives, financial objectives and design objectives. The objectives are intended as guidelines for the developer to follow in designing its proposal for submittal to the Port.

However, it is an evolving process. Port projects evolve over time and are different from their original proposals to the Port. In fact, the RFP specifically authorizes the Port, in its sole discretion, to “expand or contract the scope of the project, including adding or subtracting land parcels to or from the project, or otherwise alter the project concept from that which was initially proposed in order to respond to new information, community or environmental issues, or opportunities to improve the financial return from the project.” Nevertheless, Port staff believes that the hotel project fully meets all 8 planning objectives, all 5 financial objectives and 10 of the 11 design objectives.

Stanford and the Port entered into exclusive negotiations in 1999. During the exclusive negotiation period, regulatory approvals are sought; the project goes through many design reviews and changes; lease terms are negotiated; community input is sought and not all of the objectives can be met.

Stanford’s first hotel proposal consisted of a much larger hotel with up to 470 rooms, spread over all of the parcels and connected by a pedestrian bridge. After much community input and debate, reviews by the WDAC and discussions with Port staff, Stanford decided to submit a new proposal to the Port (the current proposal), greatly reduced in size. Hotel now consists of approximately 260 rooms contained in one building on SWL 324 only, a 4-story parking garage on SWL 322-1 and a garden area on SWL 323. The hotel site is zoned for 84 feet in height; however, because of concerns raised by the community, the Port requested in the RFP that the hotel be limited to 65 feet in height to make the project compatible with the neighborhood. Height is defined per the Planning Code definition and refers to “occupied areas.” Unoccupied areas such as mechanical penthouses, architectural features and the roof parapet can go higher than 65 feet. The WDAC has informally recommended elimination of the step down to 40 feet along the Embarcadero frontage. This recommendation, if formalized, will require amendment of the Waterfront Land Use Plan Design and Access Element to clarify that the 40’ drop starts at SWL 323, north of Vallejo Street. Stanford has designed a building which rises to 65 feet along the Embarcadero frontage. It should be noted that no official recommendation has been made by the WDAC, and no official Port Commission action has been taken on this project (other than to select Stanford Hospitality as the developer). Formal approvals cannot occur until after an environmental review.

The Port is endeavoring to accomplish its goals under the Waterfront Land Use Plan through well-thought-out development along its magnificent waterfront. The ballpark, the Ferry Building and Pier 1 are excellent examples of the kind of development that can be accomplished. These projects attract visitors to the waterfront; bring revenue to the Port and the City; and make San Francisco a better place to live, work and visit. Port staff believes that the hotel can do this too. He asked the public to keep an open mind, listen to all of the speakers, and engage in a productive dialogue.

Amit Ghosh, San Francisco Planning Department, showed a slide presentation that will review what the Planning Department had presented to the WDAC four years ago to give the WDAC some basic policy-based urban design principles and scale of the new Embarcadero. The Embarcadero at that time was defined by the freeway that

came down and it revealed itself a wonderful civic space where the City came down to the bay and met it with its buildings. That's where the City experienced the bay and connected itself physically with the Embarcadero as the defining civic space. The buildings that front the Embarcadero, in various sizes and shapes, defined the experience but this was all a part of a citywide review of the thinking of the entire urban form of what to do with the next century and figure out exactly how the rest of the City work along with the Embarcadero could be reimagined, in terms of scale, height, density and this new opportunity. It's part of that larger look of how the City was changing. They also looked at the Embarcadero. They had their 1971 urban design elements that defined the city urban form and they wanted to look at how in 2003 the urban design could be reshaped. Following along with the same principles that the City has been designed over the years and decades, the same principles of accentuating hills, making sure that the topography is respected, making sure that where the artificial man-made meets with nature that is in perfect confluence and where there are accentuation of the existing topography and stand up on their own and there are no conflicts between the two. This urban form is based on the actual quality of the place on the ground itself. The citywide work that also included the Embarcadero, thought about how it feels on the ground itself. It's wonderful to talk about form, shape and tall buildings and heights but how is it experienced on the ground. It was and it still is a concern with the WDAC. The challenge was that with the freeway gone, how can built form make the new Embarcadero work the civic space. The three things they will investigate would be: (1) how to define the new Embarcadero as a comfortable space; (2) reflect the character of the historic district and the adjacent neighborhood which is the context of this place and (3) be mindful of the City's overall form and public views. Those are the three things they will keep in mind as they look at how the edge was being defined by the buildings. There is an urban edge that comes down to the bay and to the expanse of the bay that connects to the East bay to the bridges that was the setting in which they conducted their explorations. As a theoretical background, you need to look at the rules for what is a comfortable urban room; what is the theoretical basis for deciding what is a comfortable scale and if there is a relationship between the width and height that defines the place. They have some rules from experience that if the scale of the room is related to the width, usually the relationship holds at around the twice the width of the street when you look at the street of an urban place, at the buildings that define that space. They found a very wide new boulevard on the Embarcadero and it gave them a sense in theory what would be the massing along the place they are trying to define. When you look westward from the Ferry Building and you find a scale and a presence of that new place which is already established by the existing buildings. They looked at the measurements to understand why that was a comfortable place or what worked or didn't work. It was not a very defined set of dimensions but at least for a 160 ft. wide boulevard, there were anywhere from 55-100 foot set of buildings, a scale was established that made it a nice, wonderful, comfortable space. Looking westward, they found the scale changing and they found that when they came to the Broadway corner, the freeway was removed but the edge was not clearly defined. The definition of the urban space kind of dwindled and lacks definition beyond the Golden Gateway. To draw an analogy, it would be like gap teeth. All of a sudden, the character of the street and the place dissipates. The exercise was that if they are to now redefine the space, what is the scale and character, masses or buildings, what

would be the massing of those buildings. Again, looking at the theory, the place, the context and see if they could get some insights of what they were talking about. Placing this mass, it defines the character of the completely new place that becomes gateways to other places. At the hotel site is the entrance to the gateway to Chinatown and North Beach so there was an opportunity to take this rugged edge and make a statement about marking an entrance to other areas of the city. That can be done by buildings, by accenting the corner, whether through more mass or through architecture. It can be done in different ways. The intersection of Broadway and Embarcadero provides that opportunity and with any proposal that they conceptualize it provides them to mark that entrance. That was something that was taken into consideration. Those were some of the massing and sizes that were considered and suggestions given to the WDAC that something architecturally needed to be done to fit in the scale and large enough to hold the room that they were defining and continue with the design development. The name of the context was the Golden Gateway with its established heights, the parapet is at 58 feet and there are projections that were beyond, all the way to 62 feet. That was the scale that was established there. If you look at the whole context that article 10 of the Planning code speaks to, it is mostly of large buildings. They are different buildings but there is a context to it that defines what is the waterfront historic district. They are large brick buildings but there are also other buildings of different colors and textures that define the historic district. There in the distance is Golden Gateway. All those considerations would instruct the design developer of what they should put there. The roles of the buildings are also defined in frame views into different things such as vistas, different artifacts, and objects and buildings, bridges, open vistas but they are framed in an urban experience. There can also be open waterfront views. There are also different experiences in an urban area. That's another role of the building that they would consider in a place that they're trying to define to frame the different views. All these are within the context of being mindful of the overall understanding of the city that it is a city of hills, that is blessed by the fog, that enjoys sunshine, that's immensely walkable, that lends itself to quick understanding and orienting itself. Those policies are not something they are making up but are rooted in the age-old policies that have guided the City's development. The artifact that they put on the landscape slopes down does not jam up the foot of hills. The hills are accentuated and the taller buildings are away from the base of the hill so that the values are not flatten out and the natural charm of the place is accentuated. All that is understood a long time ago and they are trying to implement it. The height maps that exist today take into consideration all the sets of principles of place making. They understood from their experiences that those are things they don't want to repeat such as the Fontana Towers. The Planning Department's analysis indicates that they should look at creating a strong edge where the City meets the bay that the heights are considered to be appropriate to the width of the space that they are trying to define. There are examples of the scale and massing. Mark the gateway for an important entrance to another area of the city, to North Beach and Chinatown. It needs to fit into the context of the neighborhood that it is going into, looking at the different elements of that neighborhood, the different artifacts that are already there and at the opportunities that needed to be filled in, and the instructions given to the designers to design the new buildings. The characteristics of the historic district were taken into consideration and it reflects the guidance that the WDAC gave to the design

development. Views are all important even though framed by buildings or open views. The defining of the view corridors, the establishment of the height limit and preserving the context within the topography were the things they want to establish. Based on these factors, they investigated anything that would define that place anywhere from 65-84 feet which is the current height limit which they thought would be appropriate to consider a new building on that site that would set the stage for designing whatever comes as a new building that would fill in the gap teeth, fill in the definition that was lacking and set the basis for the design guidelines and principles that the WDAC advised the architects with. He believes that the context as a basis for reviewing the building design, the WDAC was influenced by this analysis.

- C. Presentation by Waterfront Design Advisory Committee (WDAC): Diane Oshima, Assistant Deputy Director of Planning & Development, gave a quick background and overview about the WDAC. The WDAC is one important aspect of the Port and how it's trying to integrate the review, design and development projects with the rest of the city. The goal of the Waterfront Land Use Plan (WLUP) is to reunite the city with its waterfront. The Design Advisory Committee was one of the key means to achieve that. Prior to the WLUP there had never been any kind of coordinated process between the Port, the City and BCDC. There were developments projects that would get approved by one set of decision makers, go on to the next, get changed, get backed-up, and get changed again. There was a ping-pong game going on with projects going back and forth. In the course of the 7-year process to develop the WLUP, there was a clear recognition that was not really worth anyone's time. The Port worked with the City Planning Department. We were joined at the hip with one level and also joined at the other hip with BCDC to come up with an integrated way where projects like these that involve the city and the Port had some kind of coordinated discernable process to follow. Similarly, this was done with BCDC. All of that culminated in amendments to the City's General Plan and the Planning Code to set up policies that brought the Port and City into sync with each other and in the planning code, create the WDAC to integrate the Planning Commission's, Port Commission's and the Mayor's office perspectives so that at an early point in time from the early stages of the project so that the different issues that need to get reconciled are addressed. It seems like old hat but it was a cutting edge development for the City to be able to bring the forces together in a public way. There was never a public process such as this or the series of many meetings that this project has undergone with the WDAC such that the project could see how a project changes and responds to the various comments and design considerations along the way. Despite all the debate and controversies around any given project, this is a clear open forum for there to be an exchange of those views and hopefully an ultimate reconciliation. The hotel project itself has undergone myriad numbers of reviews and changes over its time and it's still midway over the process. The direction that has been given has been in response to the issues that have come to the floor. They are not final. WDAC does not have the environmental documents to make sure that they have addressed all of the various considerations before making recommendations. The recommendations they make are not dictative. They are recommendations to the Planning Department and to the Port as to what the WDAC as an integrated body thinks is a good design for a project. Both the Port and the Planning Department have the ability to make changes or vary from those recommendations to the extent the Port and the agencies

and their commissions get out of sync with each other, the planning code sets forth provisions to hold hearings, to reconcile them amongst themselves. If the Planning Department and the Port couldn't reconcile the issues themselves it would go to the Board of Supervisors for ultimate determination. There is a process set forth to do this because there are projects like these with varying viewpoints.

Dan Hodapp is a landscape architect with 20 years of experience, 11 of which were at the Port. He has been working at the Port, designing open spaces, and managing design projects. He has a breadth of experience that is germane to the San Francisco waterfront. Amit Ghosh is a renaissance guy; he is an architect, an urban planner, an urban economist with degrees from USC, Cal with 30 years of experience, 20 of which in San Francisco. Boris Dramov has 30 years experience extensively along the San Francisco Waterfront. He has shaped a lot of the policies that we are looking at today and respect. He has brought his acumen and review to many of the projects in a pro bono basis as well as being ultimately seated on the WDAC. We've had other past members with similar kinds of very respected credentials. From the Port and City's perspective, we have been blessed to have the level of expertise brought to this process. She welcomed Katherine Moore and Marsha Maytum to the committee.

There has been so much controversy over the heights, the policies, and the rules and who's changing the rules. Amit's presentation was a good reflection of an evolving plan that 's supposed to work. You have to take another look and see if it fits. Is the principle fitting with the reality and the notion of revisiting and taking a look at the urban design context that is created by the new Embarcadero and the height issues that's all part of urban planning. The general plan continues to be updated and tweaked, so be it for WLUP and BCDC plan as well. She hopes that people will come to an understanding that this is an open public process where plans really need to be changed and reviewed critically once in a while to confirm that they are relevant for the rules for these projects. This is a great opportunity to bring this to the Port Commission and she looks forward to the comments.

Boris Dramov indicated that his role is to create a synopsis of the deliberations that the WDAC had regarding this project over the last 4+ years. They have looked at the project for a long time. They've had several architects working on it. The current project is one that they felt comfortable and recommended overwhelmingly for approval to the Commission. He is speaking for the committee as a whole, not representing his point of view but the summation of the entire committee's deliberations. First of all, when they review a project, they keep in mind a number of criteria. They keep in mind the WLUP and the Design Access Element. They keep in mind the design objectives of the RFP that was sent out by the Port. They keep in mind the Northeast Waterfront historic district. Although they are not charged specifically to judge that as it is the function of the Landmarks Preservation Committee. He gave a synopsis of the basis of criteria they used and how they viewed the project. From the point of view of the WLUP, there are some key criteria that were established: reuniting the City and the Waterfront, contributing to the revitalization of the waterfront, enhancement of public access, contribution to the diversity of uses and activities that make waterfront a destination for residents and visitors, highlighting the location specifically as a gateway to North Beach and

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Chinatown at Broadway. They believe that the project met all of the criteria. It did not initially but through the evolution of the various stages, this is a project that meets that criteria well. The WLUP and Access Element looked at it a little more specifically that the project from a City point of view should step down towards the Embarcadero from 65 to 40 feet. Interestingly enough, from a City point of view that the specific step down from 65 to 40 which was not completely defined was a notion that did not necessarily produced the best design primarily because it was probably out of scale with the new Embarcadero and the issues of views, both public and private, were not in any way changed if it stepped down. Their judgment was that the notion of a step down at the Embarcadero actually produced a lesser design rather than a better design and did not change any overall public objectives in the process. From a larger perspective, even the 65 feet was a step down from the 85 feet of the KPIX building. The Embarcadero is about 170 feet wide. One of the points in their deliberation is how to create an appropriate definition and yet maintaining it. They felt that the original RFP of the Port's proposal of 65 feet was appropriate; the only question was whether it needed to further shape itself as it approached the Embarcadero. They also spent quite a bit of time looking at the corner of Broadway and responded to specific criteria for using the height of the building to accent the gateway point. Other aspects related to the view corridor of Vallejo the maintenance of the SWL north of Vallejo for open space were adhered to and added very complimentary to the project as a whole. The Port RFP asked for a landmark project. They felt that the ultimate project met that criteria wholeheartedly. Not only was it a landmark project but it was a beautiful hotel project and it did activate the waterfront. The Port's RFP did repeat many of the other aspects related to the WLUP and Design Access Element. They felt that it met all those aspects as well. It certainly avoided one specific statement i.e. which was not to put a copula at the edge of Broadway and the Embarcadero but to do something that was fresher looking and more significant at that location. The Northeast Waterfront Historic District acknowledges the diversity of architectural styles in the district. They were not all old brick buildings in that district. In fact, the brick buildings tended to be the Gold Rush buildings. Subsequent to 1906, there were cast-in-place concrete buildings. There was always in the Design Access Element and in the Historic District a very straightforward approach reflecting the function, the style and values of the time that the buildings were built. There are large bulky, warehouse buildings. Certainly that is not the guiding lesson of the future building in this area. From a historic point of view, they felt that the building reflected the time that it was built, was compatible in scale and character of the area but did not try to mimic or cartoon the historic buildings of the area. They felt that was a very important aspect that they did not end up with a pastiche of the historic area. Therefore, they felt that the design, the straightforward approach that reflected the character of what the building was and the 21st century that it existed in was very important and it did that very successfully. It did it in a way that it humanized the waterfront. Those are the criteria that they used and the considerations they had.

In terms of chronology, they began in August 2000. At that time, they had a different architect working for the same developer. They looked at a building that was 65 feet and stepped down to 22 feet at the Embarcadero. They felt that it was out of scale with the Embarcadero corridor as a whole and needed to be improved significantly. In 2001, they had another design and again the same issues. It stepped down to 64 feet

but it still did not appropriately address that area. Ultimately, they achieved that with a smaller hotel building on the front but kept it at 65 feet which was appropriate to the context and really compliment it. Although it was not a particular criteria of the public aspect of their review, they did consider private views as well. They did not see a significant difference between a 40 foot building or a 65 foot building with a 40 foot step down on private views either. Therefore, they felt in achieving the larger public objectives of the definition along the waterfront, the kind of access and revitalization of the waterfront that was desired, a 65 foot building was not only appropriate but in fact would be better designed if it did not try to make that step down to 40 foot right at the water's edge but kept the height right up to the wide 170 foot Embarcadero with its full height at 65 feet. The current design that will be subsequently presented was one that they endorsed enthusiastically. The following are the comments from the WDAC's deliberations: "A wonderful design, it will put a mark on the public realm, a modern building that fits with the historic context of the neighborhood, very well design, very handsome, fits within the historic character of the district". The WDAC really unanimously reinforced or proposed and recommended to the Commission that this building be considered for adoption. They would not feel that they have met their responsibility if they had not looked at all of the criteria and evaluate whether we were producing good buildings on the basis of the criteria that was established. The one criteria they felt needed to be thought through more clearly was whether a specific and a very small step down within a seawall lot from 65 feet to 40 feet was in the public's interest or not. They felt that it was not because it was producing a good building and at the same time was not changing the visual qualities of the area in any way.

- D. Presentation of Current Project Design: Mark Hornberger, architect, indicated that their project contributes in a number of ways to the public realm. The site area plan shows the project in context. They are creating new open spaces accessible to the public, planting trees, enliven the sidewalk with public serving restaurant, retail lobby and pedestrian oriented spaces. They are reducing the onsite car count, eliminating curb cuts and extending and reinforcing pedestrian links to public transit on both Broadway and the Embarcadero. These are all as Boris and Amit mentioned basic urban planning moves which are called for in the City's General Plan. The RFP for the development of this site called for buildings up to 65 feet in height in compliance with Article 10 of the Planning Code which characterizes the district as being generally six stories in height. As early as 1983 when the historic district was officially designated, the general plan mapped 84 feet as the allowable height for the primary seawall lot and interior site where the hotel and the parking structure are located. Moving from Telegraph Hill the district has 40, 84, 65, 40 feet buildings and moving from the downtown zone 400, 300, 275, 85, 65 and 40 feet, a slope moving north away from the downtown, an equal thought about the importance of sloping towards the water from both directions. In February 1983, the executive director of Heritage wrote a letter to Deputy Port Director Anthony Taormina stating that Heritage strongly supports the designation of the northeast waterfront area as a landmark district. Since this designation imposes no additional regulatory constraints on uses, densities or heights or bulk controls, other than those now in effect through the city's zoning ordinance, the development and economic needs of the Port should

not be adversely affected. There is a very important voice of the preservation community looking at this very same height map that was in effect in 1983 saying that they don't endorse a change to that height and bulk restriction which is in place which would affect the Port's ability to economically develop its site in the historic district. The map also clearly shows the Planning Department's desire to: (1) step down towards the water from Telegraph Hill and (2) to step down north along the Embarcadero from the higher central business district blocks to the south edge of the historic district. The urban design element of the City's General Plan as Boris mentioned in Policy 3 & 7, asked for them to recognize the buildings, when seen together, produce a total effect that characterizes the City and its districts and to recognize the natural boundaries of districts and to promote connections between those districts. The hotel site at the southern edge of the district is as much part of the greater Embarcadero experience as it is the historic district and visually connects the higher buildings of the Golden Gateway and business districts to the south with the historic district and Telegraph Hill to the north. Stepping of buildings from higher areas down to maintain that distinctive profile is seen clearly. Also from the General Plan design, new development on SWL 323 and 324 is an orientation point for the waterfront which also highlights the intersection of Embarcadero and Broadway. The RFP called for additional height to create that highlight. Other buildings along the Embarcadero near the district achieved a similar height directly on the Embarcadero. It's important to see these statistics. The Golden Gateway Commons next to them is a parapet at 58 feet. The stair towers and chimney are 65 feet, not 62. One Lombard is 66 feet. One Lombard and Golden Gateway commons are buildings that are very close to 65 feet in height. The RFP modeled 65 foot height buildings with penthouse extensions on both the Embarcadero and the inland site. Sketches from the RFP that were done graphically showing 5 and 6 stories forward in land site and penthouses on the building stepping down to 3 stories and 40 feet on the smaller triangular parcel just to the north of the hotel site. What they did was modeled the RFP in context and as Boris mentioned, looking at what the building would look like actually stepping from 65 to 40 feet on the corner along the Embarcadero and what a taller building on the back of the site would produce for them. What they found in looking at view corridors and what they found in the massing that the building was quite weak in this location, didn't really improved views from the public view corridors but they ended up blocking more views from gateway commons and the neighboring areas by building a taller building further back in the site where actually lower buildings were located towards the heart of the district rather than the taller buildings on the Embarcadero. Their design proposes not to stay at 65 feet in the in land site but to move lower. Looking at the first slide are section elevations of their building, and what you see in the black profiles are the height of the 65 foot buildings, in blue and the rust colors are by City zoning ordinance, the height of the buildings including its penthouse extensions that could have been built. They are in the 84 foot height district and the hotel is at 65 feet. The City zoning code and planning code allows up to 30% of the building to be penthouse extensions, architectural appurtenances. This view is the roof land of the hotel. The garages height is 31 feet, 39 feet to the top of its trellis, way below the 65 foot height suggested by the RFP. The hotel building, all of the roof area in grey is 65 feet in height; the other areas that are green and blue are 65 feet in height. Those are penthouses, elevators, mechanical equipment, fire access,

stairs that the code requires; those are approximately 24% of the area of the building. They modeled in a number of different locations to see where the view impacts would be the least from Telegraph Hill and from the neighboring view corridors along Vallejo and Broadway. By moving the penthouse from one location to the other, they reduced the view impacts from the building. The corner for the site is 77 feet. They heard a lot of discussions about the architectural feature on the building which is 84 feet in height. That one element which is a vertical emphasis, a fin on the building defining the stair tower that gives them fire access to the roof is 84 feet in height; less than 1% of the area of the roof. 76% of the area of roof is 65 feet. They modeled the building quite carefully. In the inner block, they moved the height of the garage down; it's more in scale of the surrounding, more historic buildings. The hotel building is at 65 feet in relation to the Golden Gateway Commons. They have also chosen not to build a building on the triangular site but to create a public open space on that location which is called for in the General Plan. They have created a number of view corridor analysis diagrams with computer simulations. They've used outside third party surveyor and computer render to work with them, very accurately put together based on surveys of the adjacent buildings. The general plan asked them specifically to look at a number of view corridors. At the Vallejo street view corridor is Pier 9, the head house of Pier 9 and its view; no building in place. With their building in place, the view corridor is absolutely preserved. The second view sits on Broadway and looks towards the bridge which you can see the tower of the bridge, with the building in place the tower of the bridge is still there. The view of the Waterfront Restaurant, the view of the Oakland hills and beyond. The view corridor along Broadway is maintained with or without the building, Equally important next to Pier 5 which is in the public realm Herb Caen Way, view of Coit Tower, you can see Golden Gateway Commons with/without their building. Important view to see how it reinforces the street wall but also not as important as elements such as landscaping and other public improvements that are currently there. The view of Embarcadero looking south towards the center of the financial district shows the EDAW building, the new park, public open space, their 65 feet building which then steps up to 77 feet at the corner as they moved towards taller buildings in the distance. That view with the building in it from the end of the fisherman's pier, very public realm at Pier 7 looking towards Telegraph Hill, shows the Broadway view corridor and their building as it sits in the landscape and still maintaining the saddle moving down from the financial district back up Telegraph Hill. No tall Fontana building. Other important views from Telegraph Hill looking towards their project, with no project in place, you can see Pier 7. With the building in place, the low parking structure is much in scale with the other lower buildings around it. The hotel, its view of the fishing pier, unobstructed view of the water, and beyond. The hotel as seen on Davis Street from between the second block of Golden Gateway Commons, the Golden Gateway Commons is 58 feet, their building is at 65 feet. This is the main porte cochere view corridor up Davis Street towards the piers beyond Pier 9. Same view in place. This is a view that was taken by some of their stakeholder neighbors, the Waterfront Restaurant, the Golden Gateway Commons, Coit Tower, fisherman's pier, Waterfront Restaurant and Telegraph Hill. Their building at 65 feet and the building with 77 foot lid on the corner which is the gateway signal at the beginning of the Broadway course up to North Beach. He showed some sections that people have said that the building may be out of scale with the Golden Gateway Commons next to them. This shows



Golden Gateway at 58 feet, 65 feet to the top of the stair tower, their 65 foot building. Broadway is 85 feet in width. The site plan shows Broadway curving and opening as it comes to Embarcadero. At the point where you get to the sidewalk intersection of Embarcadero, Broadway is 135 feet in width. The additional height they have on the corner at 77 feet, you can see how it relates proportionately to the GC building, the redwood tree next to it on the corner. What's interesting about that view is when you look at the views created out of the Golden Gateway and out of the Broadway view corridor, those views because Broadway rotates open are preserved towards the bay, towards Waterfront Restaurant, Pier 7 as Broadway opens and is no longer parallel with the southern edge of the street. Another view that was taken by their neighbors was right at the corner intersection of Golden Gateway looking towards Telegraph Hill, you can see Coit Tower and the EDAW building in the distance. They want to show this view because it's important to put the building in context. This is a close up view. If you get close enough to any building, a very low building will block your view of what is at the distance. Their building at 65 feet, their café on the corner, Broadway coming right at the intersection on the left hand side is Golden Gateway, here is that same building compared to a building that is 40 feet in height. For those people focused on 40 feet as height, you'll see what a 40 feet building does to the same view. Reducing the building in height is not necessarily going to achieve views in every direction from every spot. This proves the points that Boris made earlier which is where are the important views from, what is the public domain and what's the relationship between private views, public views, the selected views and the importance of the piece of architecture in this location. If they increased the height to the building in the inner block, what it would look like. What they did was to model the garage at 65 feet in height. There has been some notion that they ought to push the hotel building down 40 feet, increase the height of the garage parcel to 65 feet, you see a building that looks to them in scale at the bottom which is the existing proposed design. At the top the 65 foot height building looks quite large and blocks a number of views of Telegraph Hill from the Gateway Commons and from Broadway that exists when the building is 31 feet, 39 feet in height. They also wanted to take a look at what would happen if they went back to the RFP proposal. Boris mentioned some of the previous design. They have taken that same views that they have received from their stakeholder neighbors. They've actually tried to remove the front part of the building, reduced its height from 77 feet at the corner, down to 40 feet at the corner and compare the view of the building which defines the street at 65 feet, has a taller corner element with the view above it, no tall corner elements step down to 40 feet along the street. That's a 30 feet deep, 44 height mass for the building. No difference in the Broadway view corridor or views of Telegraph Hill. That exhibit some of the notions that the WDAC had when they were reviewing the previous designs on this site. What would the building look like from Telegraph Hill, it was massed in a different way. They have views of the RFP site, which include the taller garage. You can see the difference between the lower and the upper views. A taller garage in the inland site. The more important one is that the upper view is sliced away to 40 feet, on the front 30 feet, the penthouses are pulled back. There is no 77 foot view, a blocking element on the corner. When you look at this, there is literally no difference from that key view of Telegraph Hill. The view angle, the height, from the public realm weakening the building along the Embarcadero is not actually netting new views and a different perspective of the building. Everything said, that taken into

account, they feel that the proposed massing of the building actually reinforces the City's general plan. It is respectful of the direction and views they have received from WDAC. From a massing and a height standpoint, it fits quite well on its site.

Appendix D, Article 10 refers to the Historic District and guidelines for the development of buildings in the Historic District. The guidelines both in the General Plan and Article 10 called for new architecture to be designed which is compatible with the historic district. It refers to some very specific qualities of buildings. The view of the buildings that surround their building. You can see in these shots that they have primarily new buildings because they are at the edge of the district. The closest historic building is about a block and a half from the parking structure site which is another block further in from the hotel site. They have painted plaster, adhered brick, they have painted concrete, new painted plaster of the head houses in lighter colors on the Embarcadero. Red brick in the EDAW building, brick and painted concrete in the buildings behind them. They also looked in detail at the materials that they have in the historic district. As was mentioned, clearly there are red brick buildings but there are a number of beige, brown brick buildings. When you look on Greet Street, there are palettes of lighter colors not just the dark red colors. The general plan and the waterfront district calls for a variety in color and a variety in expression for the buildings. As for the materials of their buildings, both of the buildings are real brick buildings. They are thick, full mortared masonry panels where you can see the brick returning into the openings. You can see the mortar joints that will make these buildings solid. They wanted to vary the color of the brick between the two so that they are not monochromatic along both blocks. In the parking structure which is closer into the historic district, they are proposing a variegated red brick. The hotel structure which is next to the Embarcadero will be in a lighter tonal area, beige and buff colors. They see these exact colors and other historic buildings that are on Green Street and the historic district nearby. Article 10 discusses a number of key points. In terms of Section 6A, overall form and continuity, the buildings in the historic district are square shouldered, they are large footprint. They are massive in feeling, rough in texture. Their building tries in its form to be square shouldered, define the streets, come fully to the blocks, has cornices that go from corner to corner along the block. In scale and proportion, they are seeing buildings that have a base, a shaft and attic story. They see that in a lot of the historic buildings in the district. Their building has a base, a shaft and an attic. The fenestration of the buildings in the district is buried in size, rhythmically spaced and industrial in style. Their building is rhythmically spaced, punctured fenestration within the brick walls as well as industrial tartans of glass over key parts, entries and elements that are important. A combination of those same kinds of patterns and styling of windows but in a contemporary way and the colors and materials are brick, muted beiges and reds. In this 21st century, we can't build buildings exactly the way they were built in the 19th century. We need to think about economics and programs of our era and the district as was met and is really rich in terms of buildings of innovations, buildings that expressed their era well and buildings that had rugged truthfulness about them, about their interior program. That's what they've tried to do with the architecture of this project.

E. Community Presentations

1. Presentation by Telegraph Hill Dwellers: Nan Roth thanked the Port Commission for providing them this opportunity to speak at greater length on the issues of concern to the THD. These issues were detailed in their 7–page letter dated December 2003. This presentation is pared down to the minimum and deals only with the few issues related to the Northeast Waterfront Historic District. The design presented today is identical to that reviewed by their committee as well as the Heritage and Landmarks Board in 2003. No changes have been made to the drawings since then that they are aware of or at least evident. Starting with the overall form, she's prepared two maps. The first map shows the zoning for the area. They've used a slightly different color scheme; the yellow is zoned 40 feet; the orange is zoned between 40-65 feet and the red is zoned 85 feet. You can see that the yellow zoning extends all along the waterfront up to Fisherman's Wharf. They feel that the only reason for the 85 feet along the freeway is because the zoning was required when the freeway was there. Those conditions no longer exist. She showed a map of the historic district showing the heights of the buildings as built. The heights of the building are determined as measured by the Planning Department which means it does not include rooftops, penthouses as discussed earlier. The heights presented this evening for the Golden Gateway Commons are actual heights while the 65 foot reference for the hotel is calculated based on the Planning Departments standards. They are measuring the buildings in two different ways. The hotel does not include the height of the parapets or the executive lounge on the roof which is in itself 77 feet high. As built, the hotel is almost all yellow building east of Battery Street. This building will stand out from all of its neighbors very distinctly in terms of its height. The established woven is low scale in Embarcadero increasing in height as you near Telegraph Hill. The reality runs contrary to Mr. Ghosh's analysis. On their Potrero slides, they are going to start with 60 Broadway which is the United Seed Building rebuilt in 1906. This is the closest building to the site. 755 Davis, the EDAW building which has wooden trim on it; it was originally the Albers Milling Building. There is a view of the east side of the Embarcadero which has an extremely low profile in relation to the massing of the bulkhead buildings from the north and south which only adds to the inappropriateness of 81 foot high hotel on this location. 855 Front Street, 950 Front Street, both components of the Gibb Sanborn Warehouse, 1855 buildings reconstructed in 1906 after the earthquake, the two of the most important buildings in the district. These are on Davis Street, which is the street where the garage is on. As proposed, the height of the hotel in reality is 81 feet which will dwarf every other structure within two blocks of the site including the bulkhead buildings across the Embarcadero. These other structures are going to remain at their present height. The sites north of that are all zoned 40 feet; so they are not going to be over 40 feet which is beyond comprehension with the applicable guidelines in the Design & Access Element and Article 10. Window treatments – the guidelines emphasized deeply recessed and limited fenestration. The buildings at 60 Broadway, followed by 1705 Front Street, 1050 Battery, 855 Front Street, 1001 Front Street, 1075 Front Street are all very low

scale buildings. Another criteria in the design guidelines for the historic district are massive door openings such as 855 Front Street and 915 Front Street, both components of the Gibbs Sanford warehouse and 1075 Front Street.

She showed examples of detailing included in the historic district guidelines starting with arches on the ground floor often repeated on upper floors, 1075 Front Street, repeated on the upper floors, contemporary shutters. 55 Union Street, repeated on the upper floors, 151 Union Street and also providing an example of historically inappropriate replacement windows. We are looking at cornices described in the Historic District Design Guidelines as simple versions of more elaborate ones found downtown during that period of time. 60 Broadway, The EDAW building, 755 Davis built in 1927, 915 Front Street built in 1855, 1001 Front Street built in 1907, 1075 Front Street built in 1906. Most of these examples are adjacent to or very close of the project site. She showed a modern building at 750 Broadway that includes some examples of how the historic district elements can be incorporated into a clearly contemporary design. This a building viewed from half a block up Broadway; the main entrance to the building. As you can see, the architect got quite caught up in the brick work. It's not even in a historic district; using very colored brick, more compatible with historic, hand-laid brick buildings, incorporating brick detailing, arches and even inset detail at the top of each arch which is in reverse of the offset detail found on some buildings in the historic district to the north. There's another view of the lighting that highlights the trim along the cornice which is unique to the building, but nonetheless interesting. She showed the slides to assist the Commission in understanding why preservationists are so frustrated by the way these issues have been treated and addressed by the WDAC. She urged the Commission to ask the WDAC to stay with their task of making sure that proposed projects comply with State, Regional and local objectives in their review process and not exceeding their mandates by seeking to make inappropriate changes in those objectives to non-community based process.

2. Presentation by Waterfront Action Group: Diana Taylor resident of the Golden Gateway Commons (GGC) and co-chair of the Waterfront Action Group (WAG). They were formed because many of their community members were part of the original planning process but felt so discouraged and frustrated that their ideas and input were not considered. She talked about the differences between project and place. You heard from many of the experts about the project and buildings. Their concern is about place. They feel that this project is out of context with their neighborhood. Since the Commission cannot come to their neighborhood, she gave them a little tour of the GGC neighborhood. This was once a place divided; the urban village was divided by the freeway. The freeway was about 75 feet at the highest point. They are a unique neighborhood tucked between the financial district, downtown, Jackson Square, Ferry Plaza and the Ferry Building. This is the Golden Gateway Complex which includes the apartments and the commons, the condos and commercial development. There are about 3000 residents who live in the GG apartments and condos. On the other side of Broadway, it's ten blocks of low-rise buildings with small to medium businesses, media gulch, TV stations,

printers and small business owners. They see it a little differently than some of the other presenters in that they are a place between heights but it does step down. The GG condos are on land that's zoned to 270 feet. There really are only 58 feet or 65 feet to the highest but occupiable space is 4-½ stories or 49-50 feet. They step down from Telegraph Hill. A little view of the neighborhood starting on the south end of Walton Park, this is their town square and businesses surround it on one side and it's a place where kids come, grandparents bring their grandchildren. The GG condos on this site are only four stories but move up to 5 stories at one point. A remnant of the old produce district on one side of Walton Park. They have bridges to neighborhood friendly retail. They never objected to the bridges. They don't obstruct the views. The neighborhood is more than just numbers of people. It's also the heart and soul of their community. They have a lot of neighborhood friendly retail and stores and people of all ages, grandparents, parents and residents of the two-footed and four-footed variety. They all congregate around this square. As you move north, there is the high rise downtown to the 4-5 story condos into the low-rise historic district. Another graphic showed some of the individual buildings but they have 2-4 story buildings around the proposed site. The hotel site is being proposed at 7 stories. Along Battery Street, low rise buildings and this is 3 blocks away from the proposed hotel. This is the only building that is above 4 stories. If you talk to people who primarily work in the historic district, they like the 4-story building. Even though they are massive buildings, they can still see light. They like the village atmosphere. They like hanging out on the sidewalks. They would prefer working in this area because of the small scale buildings. You can't see much sky when you get passed four stories. You see the stepped up quality of the buildings up to Telegraph Hill and the low rise buildings in the historic district between Front and Battery and mostly 2-3 story buildings. You see the stepped up buildings towards Telegraph Hill. The other thing that has not been focused on are the buildings along the Embarcadero have a green space. You will see people sitting on the benches and hanging out in the step back area of the green space. This area has the smallest amount of green space of almost any place in the City besides the financial district.

She talked about why they think this is a difference between not just apples and oranges and number of stories of buildings but also the goals and values between a project focused development and a place focused development. The project focus development starts out with narrow goals back in 1998 when the Broadway Site Advisory Committee was formed, they said they can only talk about a hotel. The representatives from their neighborhood who sat on the group tried to talk about other possibilities. Even though that group went ahead and set some specifications for the original RFP, they were changed. It becomes a matter of trust. The community does not trust that their input is going to be valued because it changes. The experts and the developers have a limited scope of the neighborhood and the people who will be living and working inside those buildings. The community gets resistant; people fight. Everything becomes more expensive. This is the third or fourth design. They spent a lot of time, resources and energy on fighting each other. If you have a project that is place

focused, you bring the community together, all of the stakeholders early on and all that creativity gets forwarded toward the end result. People are committed because they feel there is a matter of trust, their input is going to be valued and it's more cost effective. They feel that the 6-7 stories upset the scale of their urban village. It's too big. It's higher than the other 40 foot buildings along the Embarcadero; it's higher than the other adjacent buildings. It's too bulky and it's concentrated on one lot. They have designers, architects who say that they could build a project on this lot that is not so bulky. They object to the WDAC not considering the public's input. They read a couple of comments from NEWAG but they didn't read the whole scope of the comments which were predominantly against the design. It upsets pedestrian views. They tried to take some of their own photos and make them accurate. The pedestrian views to Telegraph Hill will be lost. Mr. Hornberger is right that a 40 foot building will still take off the view, you might see the top of Coit Tower but it's more about the mass. It's too big. It's a big box. This is the view from the Vallejo and Front. The pedestrian views to the waterfront along Davis are lost. She knows how we can lie with statistics. There are dueling photographs and montages but she thinks that rather than talking about fees and occupiable space, this hotel is seven stories with the executive lounge, with all the mechanicals. The GGC are 4-5 stories. All of the adjacent buildings in the historic district are less than that. They are not opposed to development at the site but they want to preserve their place. This comes out of the WLUP and the Broadway Advisory Committee. These were agreements that their community thought were made at the time that the RFP was developed that Stanford agreed to, that the Port's own consultant said there could be economically feasible hotel built on this site. She's hoping that the Commission will agree with that and hold the developer responsible to a place that is supported by the community.

3. Presentation by other community members:

Simon Snellgrove, developer for Piers 1- ½ , 3 and 5, indicated that he is a stakeholder in this neighborhood. He has worked here going back with Dean Macris since 1968. He spoke about pedestrian environment. He feels that the discussion of the height and bulk whether it's 65 feet or 40 feet or elements going to 77 feet is a bit of a red herring that distracts the Port Commission's attention from the 6 foot or 5'8" high human being. They have done a lot of work. They were the beneficiary of the WDAC's wisdom and the design review board of the BCDC's wisdom and actually find it a very refreshing process, very bright people, fabulous minds. They were lucky to have a public process by such very bright people. He thinks that Hornberger and Company have produced a fabulous design. He's sorry to his NEWAG members to be the descending voice. NEWAG does not have a complete consensus on this. Port staff has been fabulous in taking the various comments of the NEWAG and other members of the public and have produced back to the developer and the architect. He wants to focus the Port Commission on the 5'6" human being, the street level has been overlooked in this fight about mass and height and the pedestrian environment has been given to

garage use for much of the area. As a developer, he understands the difficult economic task of putting visitor serving facilities like retail, entertainment in the street. Nevertheless he has to do it at a considerable loss. He can make a lot more money renting the spaces to office than retail. He would like to see the Commission ask the WDAC once we get beyond the discussion of height, bulk and mass to focus very carefully on what the neighborhood is going to experience as they walk around the blocks. Along the Embarcadero, the guidelines that came out in 1997 which were the result of a lot of public input including Save the Bay, Telegraph Hill, etc. had brilliant guidelines and except for this slight modification which is bringing the 65 foot mass to the front of the street pretty much have been met. The guidelines did say that the 75 percent of the street frontage should be brought to the front of the sidewalk and that there should be visually interesting street facades and deep recessed buildings of strong detailing. He thinks that Hornberger has done that to a very extent but when you get to the back blocks of the project where the garage is, he is concerned that the pedestrian is going to be met with an unfriendly environment. The best example he can think of is when the One Maritime Plaza had a garage all the way up Clay Street and the back of Golden Gateway was on Washington Street. You don't want to walk down there. On the other side of Clay Street was Embarcadero where the Planning Dept and the Redevelopment Agency said you're going to put your garage underground. We want retail, we want something for the pedestrian environment that will enhance the public enjoyment of the downtown. He thinks that the neighborhood is much better served by accepting this very professional, very bright people's opinion about the 65 feet. Think of Paris, Champ de Elysses, everything 7 stories, think of Havana, think of the various great urban spaces where 7 stories is just fine like Washington, DC. He asked the Port Commission to ask the WDAC to focus on the uses that the pedestrian will experience and the kind of pedestrian environment that we are going to have around this project and try to get the other side of this question of 40 or 65 feet. Frankly, the height of the Maritime Plaza was about 24 feet. If you are 5'6" human being walking down those streets, next to a 24 foot garage, you are not having a nice day. If you are walking down the Embarcadero which is 160 or 170 feet wide and you have a 40 or 65 feet space next to you, he does not think it's going to matter. What is going to matter is what you will experience in your 5'6" in a 12 feet between the sidewalk and your perspective.

Mark Casoff, member of an ad hoc community activist group known as Renew San Francisco, a group of local residents who have been involved in a number of projects in an effort to try and beautify and renew the City. He read Mr. Rod Freebairn-Smith's letter. Mr. Smith has been an activist in S.F. for 30 years. He is an architect and urban planner on the Arts Commission. He has been involved in public policy advocacy on this issue. His letter states that years of citizen committee work went into clarifying what San Franciscans wanted along that very stretch of the Embarcadero. Taller buildings at Washington and Broadway in this case were placed to mark the importance of entrance into vital but unseen neighborhoods "inland." That concept enjoyed popular consensus from many groups who spoke at meeting after meeting when he was a member of NEWAG representing Telegraph Hill. Those groups (Chinatown, North Beach, Jackson

Square) today still want a fair opportunity to attract a portion of the visitors that stream in from the suburbs, from Moscone Conventions and from the downtown hotels and businesses... all heading toward Fisherman's Wharf or beyond.

The residents of Golden Gateway at that time fully participated and understood those design elements and approved the Northeast Waterfront Plan. We all need to respect and review the balance that NEWAG's long, open planning process provided.

Small hotels provide street level safety and good fit with surrounding residential character, they meet and support certain neighborhood needs and enliven dead areas in cities around the world. I don't want to be counted among those who crippled a potentially healthy hotel project (one that likely needs at least 200-300 or more rooms for good basic economics) by denying the employment that it will provide; by simply wanting to say that the Northeast Warehouse Historic Zone will always be one height. The role of this area in the city's future is too important to be so simple-minded as to believe that one building height can house all the functions we need there, close by the Bay. Height limits are an invaluable tool for maintaining equity among adjacent properties, protecting views, for creating urban ensembles and should be very difficult to modify – we should not modify current heights along the NE Bay front unless a 5-10 year review process precedes it. Change in height upward is far more characteristic of growing and healthy cities and must be done in long, open debate. San Francisco is a young settlement in urban history terms and should not be growing backwards (downward), especially in a revitalized zone that recently had its blighting overhead freeway removed.

If the hotel does poorly (from too few rooms especially), if shrinking the hotel means more economic returns it will embarrass us and it may be badly maintained. If the hotel fails to support Golden Gateway real estate values, it tells us that we are a town that can't identify opportunities and don't build intelligently on them. Hotel benefits, to restate just a few:

- Strengthening our real estate tax base by recycling old, rather than annexing new land.
- Providing critically important additional tax support for the arts
- Increasing the retail sales taxes from visitors, a source San Francisco relies upon
- Creating significant variety in the levels of jobs offered, especially job entry
- Creating an urban marker to introduce the turn into North Beach for thousands of visitors who might otherwise continue north along the waterfront
- Replacing a parking lot, detrimental today to a walker's enjoyment of the Embarcadero, with a fine new "urban fabric" along that very visible first tier of bay facing lands.

Though most San Franciscans are reticent to admit it in a public hearing, we are much like Venice, Rio and Honolulu in our reliance on visitors for a major

portion of the support we need for economic well being. These projects should not be treated lightly.

Toby Levine, Northeast Waterfront Advisory Group chair, was pleased that staff, the developers and the community participating in this well-planned and well-thought-out design workshop, and particularly that sufficient time has been allotted for all of the necessary design issues to be highlighted and discussed. She thanked staff that has worked so hard and intelligently on this effort. From the perspective of the NEWAG, they have the following points to cover:

- In the past, the Port has made a considerable effort at including a wide variety of stakeholders in the development of the RFP for a new project. This should be continued with an eye as to how this process could be improved.
- In the future, all RFPs must have a community outreach plan, which may be modified depending on which developer wins the RFP. The plan implementation is to begin immediately after the awarding of the RFP.
- Community outreach needs to be local as well as Citywide, for the Port properties and their benefits and effects are both local, citywide and regional.
- As a part of the community outreach plan, stakeholders need to be identified and might include: local groups of residents, resident organizations, Port businesses and nearby businesses, citywide organizations, city governmental organizations, regional and state organizations.
- Every effort should be made to meet with all of the above, in the beginning of the project, not at the end. They believe this is the Port Commission's responsibility to ensure that the community outreach plan is implemented.
- Timelines need to be shortened – 5 to 10 years is too long for most projects. We become lost, people forget. Project sponsors need to keep working on public interest and awareness in their efforts. Several of their members feel that the practice of continually extending ERN's should be stopped.
- Workshops such as this with the public and the Commission on critical developments need to be planned for all major projects. This gives the Port Commission an opportunity to be directly engaged with the project and with the concerned citizens as well as with the developer and Port staff.
- Some of the NEWAG members are concerned that the goals of the Waterfront Land Use Plan are being neglected or forgotten. Perhaps there should be a public workshop revisiting that overarching document. For instance, is the public still committed to a revitalized port, or providing access to the waterfront to a diversity of people or activities. Are we still committed to an exemplary quality of design along the waterfront? The goals set in the Waterfront Plan are formidable. Are we still committed?

G. Public Comment and Facilitated Discussion with Commission/WDAC/Community/Stanford/Port staff

Alice Pickus, Pacific Heights Residents Association, indicated that this project is not just for this area but for the entire City. Their association supports the idea of limiting the height to a reasonable height. If you drive through San Francisco, you

go through the financial district, it's like any other City, it's dark. You never see the light in the financial district. The charm of San Francisco is the brightness of the sunshine and we can't lose it.

Ernestine Weiss indicated that this is an overwhelmingly big project. It is too big for the surrounding neighborhood. Think how beautiful the commons look. Think of the Golden Gateway Center, it's overwhelmingly huge. The Embarcadero Office building is also huge and overwhelming. We don't need another big building on the waterfront. 81 feet is too high. The color is unacceptable. It's a very ordinary design, undeserving of this area. There is nothing distinctive about the entryway to Broadway. This is not complementary to that opening. This intersection should be outstanding. San Francisco is not rural; it is not Havana. It's a little City. The City does not need another hotel. The hotel will close them in from one end to the other. A waterfront development should be open and beautiful. The residents input should be taken into consideration. It is their neighborhood. The parking situation on the waterfront is overwhelming. A traffic study has not been done. The Examiner had an article which said that \$118 billion will not take care of what we need for the year 2030. Think of what's coming down the road with Piers 27-31 and Pier 30/32. It's not pretty and it's polluting the air. It's not pedestrian friendly. She does not like to walk in the financial district; it's dark and dreary. We need more green space. Let's keep it distinctive. That corner does not warrant an ordinary building. There's nothing there that is inviting to Broadway. The EIR should do the traffic study. Her main concern is the garage. She hates garages in San Francisco. It is not warranted on the waterfront even if it is hidden in the building; it should be underground where it belongs. They have worked so hard to make the waterfront beautiful.

Arthur Samuelson resident, thinks that the hotel as designed is not appropriate as an entryway to anything. They could build a better entryway at Broadway and Embarcadero for Chinatown and North Beach. He understands that the Chinese merchants are suffering when the freeway and exit ramp came down. Economically, they want people to be directed off the Embarcadero and onto Broadway. A monument instead of a building would be more appropriate to welcome people. Think about the monument in Union Square. How about a monument at the Embarcadero and Broadway with a Shanghai statue at the top? This is a Barbary Coast neighborhood. Something like that would welcome people to Broadway. It could also be made educational. At the foot of the monument there could be historical information about the Port of San Francisco, a slender free standing monument would serve much better than this massive big box building.

Mr. Middlebrook, San Francisco resident, quoted Mr. Ghosh's comments, "quality of place," "character of place," "what is comfortable scale," "views are all important," "how is it experience on the ground?" Whatever we talk about, may it be heights or everything else, we are talking about the pedestrian experience on the ground, some of whom come from out of the City, many of whom live here and all of whom will be overwhelmed by a 75 feet fin. He urged the Commission to keep

this place pedestrian friendly. San Francisco is not Paris. It doesn't have the Eiffel Tower; it has the Coit Tower. It is pretty; it's fun to look at. The views by the developer and the architect are accurate. They are all looking toward the bay with the exception of little peaks standing on tiptoes from Herb Caen Way. None of the views have been from walking north on Embarcadero, looking to the left toward one of the signature sites of San Francisco which is Coit Tower. If this hotel is built on this site, two things will happen. First, people will have to walk further north from the Ferry Building to see the Coit Tower and structure like this will beget another one. He urged the people who are political, people who deal with the citizens of the City to truly think of this place as our San Francisco place. When we are looking around looking up towards something, what we are looking up to and should keep on looking up to is the Coit Tower.

Jay Fogelberg, WAG, was fascinated by some of the language used today. When Mr. Ghosh spoke, he talked about the nice wonderful place. He talked about the common wisdom he assumed that buildings should be half of the height of the street. When he first heard of this comment, he did research on it. He couldn't find where it is written that buildings should typically be half the height of the street they're on. He asked Mr. Hodapp if the group referred to some materials and if he could direct him to it, he couldn't. He asked his architect friends if they had ever heard such a thing. They laughed and asked who made it up. Where is it written and is it written about property along the waterway where the rest of the buildings are lowered? Mr. Ghosh talked about the teeth gap that needed to be filled in. Teeth look good when they are even not when there's a fang sticking up in the hole. The criteria requires pedestrian welcoming. Mr. Ghosh talked about grand and welcoming as something big, bold and muscular on the street. He wondered how many people feel welcome to a place by big square buildings rather than fluted, open spaces. Why not open this place up and have it landscaped and truly welcoming from a pedestrian perspective? Mr. Ghosh's view may be that he loves to walk around tall buildings because they welcome him. He talked about the steps and agreed that they should be stepped up. Steps start out low and they move up. They don't start high and step down. It will look even with the rule of thumb of half the width of street, a little bit of a Hollywood front because the buildings below is not that way. Most of the cities are great with tall buildings along great streets. There are tall buildings behind them. At this site, there are no tall buildings behind them. It will look like a Hollywood western set. He thought back to something that he said to Ms. Moyer that this is going to be like rebuilding part of the freeway. Ms. Moyer stated that it was an exaggeration and inappropriate comparison. He wanted to be credible and didn't want to overstate and he thought about it because there was some truth to it. Sure, he'd rather have the hotel than the freeway but the freeway went through a process. It was approved by various officials; it was urged by business interests including Chinatown and North Beach. It brought cars into the area. It served the businesses and the economic needs of the city. It was good for labors; it brought a lot of jobs. It served a lot of important short-term need. There were a lot of experts who said that a grand city needs grand freeway. The experts were listened to by the authorities. It did bring short term good just as the hotel will

create jobs and help the economy but in the long run he has no doubt that it will not be a loved building. It will be like the freeway. Groups will say "I told you so." In the near future, people will find it a great mistake and he hopes we don't make that mistake.

Nan Roth indicated that we talked about the gateway to Chinatown, has it occurred to anybody that you cannot make a left turn on Sansome Street. There will be a lot of unhappy people looking for Chinatown.

Karen S. indicated that she lives in the north waterfront but loves to walk on the Embarcadero. This is the first presentation she has seen. She is appalled and cannot believe that people stood up and said that it would be much better for views if we have the building go all the way out to the 10 foot sidewalk and it needs to be tall and massive to lure people in the City. When she walks down to Embarcadero, she can see the water, the Coit Tower, and the rest of the city until she gets to Market Street and sees all the tall buildings. It gets dark, she can't see anything but walls, brick and glass. This is what the hotel will do. It's beautiful to the north now. The hotel will ruin it. During the break, she went outside to get a breath of air; this building is so nice and beautifully redone. It does not go out to the sidewalk. It is not a big wall. It is a wide sidewalk, there's things under it. The buildings do not come right to the Embarcadero. To put the hotel at that site is a big mistake from her point of view. She will not like walking down the Ferry Building to go to the Farmers market, seeing essentially two blocks of wall and glass. She agreed with Mr. Fogelberg. It is going to ruin a big part of the Embarcadero. She'd rather have grass and cars because she can see over the cars. She can't see over a 7-8 story building.

Mark Hornberger talked about the height reminding everyone that a 2 story building can be just as high as 4 story building. The district is filled with 2, 3 or 4 story warehouse buildings that have very high floor to floor heights. They had a surveyor survey and take pictures of the vicinity of the hotel site. There were photos of 2-3 story buildings and buildings of varied heights in the district - 45, 70, 80, 58, 50, 44, 64, 73, 45, 52 feet the blocks from Sansome, Vallejo Street, and Green Street. From Green/Union Street 35, 97, 108, 110, 95, 85, 52, 47. From Green/Filbert section 42, 68, 78, 79, 68, 46. The section through their block at the back 26, 98, 85, 26, 30, 40, 65. They can find individual buildings smaller but there are huge predominant buildings that are in the 6-story range. He asked the audience to look at this statistic first before making a judgment on what the appropriate height is supposed to be on the district. The last one is public access; the uses in yellow and red colors are public access. In the hotel 90% of the perimeter of the building, restaurant, lobby, café, meeting space, banquet space, retail, lobby entrance and along Broadway, retail. They had an interesting meeting with SPUR and they asked them to take a look at other ground level retail uses that were on Vallejo and Front Street which they intend to do. They are hearing that comment and they will respond to it.

Supervisor Peskin thanked Commissioner Hsu and members of the Commission and members of the WDAC and welcomed Mayor Newsom's newly appointed WDAC member Katherine Moore. He was also delighted that Marsha Maytum will join the committee. He thanked Port Director Monique Moyer for convening this public dialogue which is long overdue and delighted to see. He started with optimistic points about what is good and what is right that is happening in the City and on the waterfront having witnessed the demolition of the central freeway, watched the Embarcadero roadway roll out and now watching Octavia Boulevard roll out and watch the City get reconnected with the waterfront, the Ferry Building and the restoration of Pier 1-½, 3 and 5. There are incredible things that are happening on the waterfront. He is thankful to the Port Commission, its staff and the WDAC for shepherding them through. It is the context that goes to the history of the development of the city through the era of redevelopment, the demolition of the produce mart, the building of the Embarcadero freeway, the shot that was heard around the world that ended up making Commissioner Sue Bierman a Planning Commissioner when she fought the exact same battle as we were going to build a freeway through Golden Gate Park to the panhandle. These were fundamental events that changed the landscape of urban America and they were very real on this waterfront. Many people might remember those two lanes that stuck out in mid-air and read Herb Caen year in year out who always proposed wild design contests and waterfalls and what to do with them. God and the San Andreas Fault took care of that in 1989 and neighborhood activists and political leaders and Port commissioners had the foresight and political will to pull that down and then we have been faced with an incredible number of opportunities and a body of law that were developed through community processes such as the Northeast Waterfront Historic District and the Waterfront Land Use Plan. That came around in 1990, when Prop H was placed on the ballot after the Loma Prieta Earthquake in 1989. It was the citizens' initiative that said we want to have planning on the waterfront. To those like Nan Roth and folks who worked at the port, it was an exemplary process that took forever that involved the community and involved stakeholders and businesses. Toby was involved, John was involved and many people in this room were a part of that process. Things fell apart for which he apologized had he been in office at that time but it was not after 1997 and the City lost its way. It lost its way because it breached one of the fundamental underpinnings of what the WLUP planning process and Prop H were all about. That was a covenant with the residents and stakeholders to continue consulting. That is not what happened the next year when the then Mayor stood up and by fiat said, "This site shall be a hotel." We all stood up and said, "Hold on a second, we're not saying no" and he said that as a representative of the densest, most built out district in San Francisco. He said that as somebody who worked with many people in this room to build an appropriately designed, and there were no objections at the Planning Commission, not one single person objected at the Planning Commission, an 84 foot building on one of the former freeway parcels at Broadway and the Embarcadero. The neighborhood and the businesses all agreed. It was not an easy process. It was done by fiat. It was done before the current developer came in. It was less than a perfect process. It was done before most of the members of this Commission were even seated. He remembered

calling up then Commissioner Denise McCarthy and saying, "What ever happened with the WLUP plan process and its inclusion?" She said, "good point, we're going to create a committee." He went to the first community meeting and the representative from the Mayor's Office of Economic Development said it's going to be a hotel; it's not up for discussion but we can talk about whether it's going to be an 84 foot hotel or 65 foot hotel. That didn't seem very inclusive either. He went to the second meeting and the Mayor's representative said it's going to be a 65 foot hotel and that's what it's going to be. He said, "What are we supposed to be here, talk about the paint color?" He said that not to be flipping. He said that because we've all inherited this situation. He said that with great respect for each and every member of the Waterfront Design Advisory Committee.

The history of the development of downtown from the days of redevelopment when the Golden Gateway apartments were built and the Embarcadero freeway, has fundamentally and radically stepped down from the height, bulk and mass of downtown as it moves northerly. The huge fights created two dividing lines. First and foremost, that dividing line has been around since the late 1960s before Dean Macris was first planning director. He's delighted he's the planning director again. When you cross Washington Street, you walk from a 300 foot zoning district to the human scale historic environment in a 65 foot zoning district and out rolls in front of you Jackson Square, Chinatown, North Beach, Telegraph Hill and the northeast waterfront. There is another stepping down that occurs at Broadway. While he appreciates what he jokingly referred to as the Molly Cohen Havana theory of having that nice perfect wall along the waterfront, it does not acknowledge the historic pattern of development. That is somewhat true as you move south. By the time you hit Market Street, that pattern of development does not exist as you get into the Embarcadero Center, the old Rockefeller buildings as you get into the Golden Gateway apartments as you move north. We're creating this grand bookend entrance that does not acknowledge that to the north of that it is not the pattern of development. He knows that Lombard is not in the historic district as well as the south side of Broadway. The historic district when you move north of Broadway has yet another pattern. That pattern is that the physical and built environment mirrors the topographical environment as it moves from bay to hill. The larger buildings are clustered closer to the base of the hill and not closer to the waterfront. That is what the northeast waterfront historic district ordinance is about. It says that the buildings vary in height from approximately 6 stories closest to the base to a maximum of 4 stories at the Embarcadero and the bay. That's what we're dealing with here. That was acknowledged in the RFP. He thinks it's probably past the time. The Port when it developed its WLUP clearly had a number of opportunity sites, sites that were designed to yield revenue to the Port so that it can continue to do other good works, making Herb Caen Way, opening up the aprons and the valleys to pedestrian ingress and egress and generate revenue. This needs to be an economically productive site. We cannot run over that long-storied important history in doing that. If he had to do it over again, rather than by fiat, he would have said, "Those of you who were involved in the WLUP planning process or not, those of you like Mrs. Gigi Platt, who were involved in the creation of Appendix D to Article 10, which is the

northeast waterfront district, members of the public, come on down and let's figure out what's the most economically, highest and best use of this site." We're past that time. Now the question is, can we do something after six years since the RFP was issued. The RFP was issued at the height of the boom. We're coming down the other side; hopefully we're coming out of the trough and going back up. Having said that, the question really is what is the appropriate height, mass and bulk on the north side of Broadway. While he appreciates the planning notions of marking that grand entrance into the City and while he notes the last time there was an opportunity to accentuate a grand entrance in the City, we ended up with a Steuart Mission Hotel, the back of which faces the \$120 million investment in this building. There is an argument to be made that there should be some symmetry at the entrance. Clearly in keeping with the northeast waterfront historic district, it shouldn't be any higher than the buildings to the south across the street. That is an appropriate place to have that discussion. This is something that, while the community might not embrace, could certainly live with it. It honors the bulk admonitions of the northeast waterfront historic district and it honors the RFP that the Port originally put out on the street. He wished the Commission and the WDAC good luck in their deliberations.

Stewart Morton with the NEWAG handed the Commission a letter from Charles Chase written two years ago.

Charles Chase, Executive Director of San Francisco Heritage, indicated that the letter that Mr. Morton handed out is in response to the developer's offering of the design issues that Heritage raised several years ago. They had the opportunity to meet with them twice. The concerns that have been voiced by many people tonight and those of Supervisor Peskin have been outlined in that letter as well as in terms of the height, scale and mass and the articulation of the building. In difference to Mark Hornberger who was gracious enough to allow him to see some changes that have taken place in the interim, while it has gotten better, much of what they said in that letter still stands. The Embarcadero has taken precedent over the siting and the setting of this building when in fact this building does reside within another environment i.e. the northeast waterfront district. The representation of the warehouse design and structures that several of the presenters showed tonight really has not been taken into consideration in the development of this site. They find it unfortunate as Supervisor Peskin has said that so much time and effort has been placed in this but clearly the benefit of doing any kind of development on this site is to be compatible with those things that we have held on to more than a hundred years of valuable resource. The premise for design in this area should be to enhance those buildings rather than to shatter them or to detract from them.

Gerri Crowley, immediate past president of Telegraph Hill Dwellers, associated her remarks with those of Nan Roth. She's representing the San Francisco Neighborhood Network, an organization that has been around for two years. It's a group that is concerned with good planning and good government. As such they meet every Friday with members of the San Francisco government and the planning

community. They've met with Dean Macris and all the Planning Commissioners. They are planning to meet with Port Commissioners. She thanked their friends from Pacific Heights for coming tonight and expressing their support for the neighborhoods in the area. Their neighborhood network consists of mostly eastern neighborhood representation such as South of Market, Pacific Heights and Alamo Square. Paul Wermer couldn't be here tonight so he read his letter for the record. The letter states, "Any building should be on a scale appropriate to the existing community as well as the guidelines for the district and should respect the clear, intended guidelines rather than rely on height zoning that is inappropriate and inconsistent with the existing neighborhood. Use and density impact on the community should not be disruptive. Size of the hotel, operation and traffic flow related to the hotel and its design needs to be consistent with neighborhood traffic capacity and reasonable urban center residential expectations. Design architecture needs to be compatible with the existing neighborhood. We should not use bad planning. Architectural decisions of the past are just defined. Neighborhoods have stake in developments in their neighborhood and it's disappointing that this project has failed to address the concerns so clearly and broadly voice by those residents most immediately impacted by the proposed hotel."

Ms. Crowley indicated that we have a tremendous responsibility to future generations, residents, businesses and visitors who visit and spend their money on the waterfront. She hoped that we all keep the big picture in mind. Having been in the neighborhood for 4 decades and knowing the Telegraph Hill Dwellers who have been fighting for this waterfront, preserving and protecting it for 51 years that they won't give up until there is an acceptable project.

Joe Butler, San Francisco Architect, agreed with Rod Freebairn-Smith in that the overhead freeway removed was the biggest and the best thing that happened on the waterfront. The remnant height district from that time which was reflective of the height of the Embarcadero should not be used to justify a building in today's urban design fabric. The building is propositional, the street walls are important along the Embarcadero especially in other parts of the City. The street wall is less formal in this part of the city because as Embarcadero comes through at an angle or at a curve the buildings are set by their property lines away from a condition that is parallel to the Embarcadero. It is a different urban form that takes place as the Embarcadero curves in this part of the city. It is the height of this building that is consistent with the width of the Embarcadero freeway, but does that mean that the shed walls and the pier heads of the piers need to have vertical additions in order to conform? The story count is more appropriate to the discussion of height than competing views from this vantage whether close or far. When you look at the story count of this building, this building is clearly taller than the building to the south from downtown. They are supposed to go down as they go north. It's clearly taller than the buildings to the west and as you come down to the hill, they are supposed to step down to the waterfront. Let's keep story count in mind and not wonder or worry about whether we are measuring to a parapet, to a penthouse or a stair tower. A 40 foot building would improve the saddle rather than filling its low point. A 40

foot in this site would step down from the 58 building to the south. A 40 foot building from any long range view from hundreds or thousands of feet away does not cause less of an impact than a 65 feet building but that is not what's important. He likes Mr. Snellgrove's comment that three walls of the parking garage afford views of automobiles. The portions of the hotel that are restaurant are fine but they are not accessible for public use. With regard to the historic district it's the buildings which are contributory to the district that the architect should look to for queues. If you want a real brick building, you don't use masonry panels. The thickness of the brick isn't as important as the overall horizontal feeling that the panels and the frame of the building give. When you look at the elevations, it is not a masonry building; it is not a brick building. Brick buildings are baring wall conditions; they have tall vertical proportioned openings and it's a completely different feel. If you are going to mimic buildings in the historic district that are framed buildings with spandrels and columns; those are the concrete buildings that came post 1906 not the brick buildings from the 1850s. He applauds the idea of using real bricks because as we see with the Golden Gateway Commons, the brick does not really work that well. However, if you look at the design of that building from an urban design standpoint, it fits better in the district than this proposed design. The building has arches; the building has vertical proportion windows, the building has large expanses of brick which is consistent with the brick buildings throughout the district. He sympathized of where we are and we've come a long way but there's a long way left to go before we put something on this fine site in this beautiful City on this fabulous waterfront that we can all be proud of.

Fred Allardyce indicated that with the size of this hotel presently promoted, we're rebuilding the Embarcadero freeway. Without that freeway, we have investors that made this building what it is. Without that freeway we don't have the Embarcadero walkway, the Herb Caen Way. We won't have any of those virtues that today's San Franciscans call their own with pride. That freeway was not a valuable asset to this town. We have the first footprint of the new freeway in that building. The balance of that freeway is in front of Golden Gateway Commons which is now a tennis court/swim club but zoned for 84 feet. When the Redevelopment Agency's expires in 2 years; that would be free play just like this is today. What we are allowing to have happened is the first stanchion of that freeway, so make it look pretty.

H. Port Commission Discussion & Comments

Commissioner Hsu indicated that they've heard all sides; every possible scenario has been spoken.

Commissioner Bierman indicated that this brings out the seriousness of what happens on the waterfront. She hopes that we can come to a solution that the developer, the people who live in this area and hundreds of thousands of people who will come here, could live with and do something that is a complement to the area.

Monique Moyer thanked everyone for their investment of time tonight. There were over 80 people in attendance, not counting staff. Everyone in this room is volunteering time. She continues to be impressed of how dedicated the constituency of the Port is, which is our highest asset. She cannot make any guarantees or promises tonight as to what will happen next. She assured everyone that staff will work with the two groups to see what the possibilities are to ensure that their time tonight will not be wasted. She thanked everyone for bringing this endeavor forward. We worked a lot, particularly to the Port staff, to get it done and she hopes that the constituencies will be committed to this process going forward. IF they have any ideas on how this process can work better, she asked that they email them to her; her only caveat is to send it in bullet forms. She is open to constructive criticism as to the process, not the project. She thanked everybody for their and for their love of the Port.

4. ADJOURNMENT

ACTION: Commissioner Hardeman moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor.

Commission President Wilfred Hsu adjourned the meeting at 9:13 p.m.

Dan Hodapp adjourned the meeting of the WDAC.

SAN FRANCISCO PORT COMMISSION

Wilfred Hsu, President
Michael Hardeman, Vice President
Kimberly Brandon, Commissioner
Sue Bierman, Commissioner
Ann Lazarus, Commissioner

Monique Moyer, Executive Director
Phone: 415-274-0400; Fax: 415-274-0412

Amy Quesada, Commission Secretary
Phone: 415-274-0406; Fax: 415-274-0412

AGENDA

REGULAR MEETING

3:00 P.M., TUESDAY, MARCH 22, 2005

**PORT COMMISSION HEARING ROOM, SECOND FLOOR
FERRY BUILDING, SAN FRANCISCO, CA 94111**

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk.

1. CALL TO ORDER / ROLL CALL
2. APPROVAL OF MINUTES - February 22, 2005 Meeting
3. EXECUTIVE
 - A. Executive Director's Report
 - March 8, 2005 PORT/WDAC Embarcadero Hotel Design Workshop
 - Annual Report of the Port of San Francisco – April 12, 2005 @ 5:30 p.m.
 - Seatrade Cruise Conference in Miami, Florida
 - House approval of Illinois Street Bridge Funds
 - B. Informational Presentation by the San Francisco Fire Department regarding Defibrillators in public locations.
 - C. Informational Presentation by the San Francisco Office of Emergency Services regarding the Siren Program.

4. PLANNING & DEVELOPMENT

- A. Informational Presentation regarding the Ferry Building Area /Ferry Terminal Planning. (No Action Required)

5. REAL ESTATE

- A. Request retroactive approval of Rent Credits and Assignment of Lease No. L-12664 from Allright Cal, Inc. to Central Parking System, Inc. (Resolution No. 05-22)

6. ENGINEERING

- A. Request authorization to execute a contract modification to Contract No. 2686, "Maintenance Dredging," with Dutra Dredging Company. (Resolution No. 05-20)
- B. Request to increase the amount of Contract Service Order No. PB-11 with Parsons, Brinckerhoff, Quade and Douglas, Inc. by \$145,000 to provide professional engineering services in support of Contract No. 2680, Illinois Street Intermodal Bridge. (Resolution No. 05-21)
- C. Informational Presentation: Use of Port Right of Way. (No Action Required)

7. NEW BUSINESS / AGENDA SETTING

- ◆ New Business

- ◆ Agenda Setting (Targeted Commission meeting, subject to change)

- Informational presentation by the San Francisco Department of the Environment regarding World Environment Day (April 12, 2005)
- Request approval of Port co-sponsorship with SPUR of the EDAW Internship Program (EIP), as part of World Environment Day, with a focus on Pier 70, and approval of request to provide funding to partially support the EIP (April 12, 2005)
- Request approval of a professional services contract to evaluate the economic feasibility of the Pier 90-94 Backlands development concepts (April 12, 2005)
- Request approval to issue Request for Proposals for environmental analysis of Drydock #1. (April 12, 2005)
- Request approval to award the parking operation contract at Seawall Lot 314 located on Bay Street at Embarcadero to Central Parking (April 12, 2005)
- Request approval of contract modification to Contract No. 2693 Amador Street improvements (April 12, 2005)
- Informational Presentation by The Exploratorium on Proposal to Develop and Lease Pier 15 and the Valley and Connector Building between Piers 15 and 17 (April 12, 2005)
- Request approval of Records Retention Policy (April 26, 2005)

- Request approval to issue Request For Proposals for Port janitorial services (April 26, 2005)
- Informational presentation of Port Leasing Procedure Policy (May 10, 2005)
- Request approval of Rental Rate Schedule (May 10, 2005)

8. PUBLIC COMMENT

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. A member of the public has up to three minutes to make pertinent public comments before action is taken on any agenda item and during the new business/public comment period. It is strongly recommended that public comments be submitted in writing so they can be distributed to the Commissioners for their review. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 274-0406.

9. EXECUTIVE SESSION

A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.

B. CLOSED SESSION

(1) PUBLIC EMPLOYEE APPOINTMENT. This matter is specifically authorized under California Government Code Section 54957.

a. Confirmation of Appointment of Director of Real Estate

(2) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTERS. (Discussion and/or Action Item)

a. Discuss existing litigation matters pursuant to Section (a) of California Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (3 cases):

- Yuen Kiu Low v. City and County of San Francisco; San Francisco Superior Court Case No. 429325, filed May 4, 2004.

Discussion and approval of settlement of litigation seeking damages for wrongful death and alleging dangerous condition on Port property. Proposed settlement of litigation upon terms which include Port's payment of \$200,000, in exchange for plaintiff's dismissal of litigation, and full and final release of and final release of claims. A copy of the proposed litigation settlement agreement is available for inspection with the Executive Secretary for the Port, pursuant to San Francisco Administrative Code Section 67.12(b)(3).

- Alioto Fish Company, Ltd. v. City & County of San Francisco, San Francisco Port Commission, SF Superior Court Case No. OGC-04-436825.
- In re Pacific Gas and Electric Company, United States Bankruptcy Court, Northern District of California, San Francisco; Case No. 01 30923 DM.

(3) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.

*This session is closed to any non-City/Port representative.**

- a. Property: Pier 15 and 17 (at Embarcadero)
Person Negotiating: Port: Byron Rhett, Director of Planning & Development
*Exploratorium: Dr. Goéry Delacôte

Under Negotiation: _____ Price _____ Terms of Payment X Both
 An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 15 and 17.

- b. Property: 817 Terry Francois Blvd.
Person Negotiating: Port: Mark Lozovoy, Assistant Deputy Director of Real Estate
*Kelly's Mission Rock: James Kelly

Under Negotiation: _____ Price _____ Terms of Payment X Both
 An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at 817 Terry Francois Blvd.

10. RECONVENE IN OPEN SESSION

- A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
- B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

11. COMMUNICATIONS

Communications to the Port Commission received from February 17, 2005 to March 17, 2005:

From EDAW, Intern Program 2004

From the Potrero Boosters Neighborhood Association, regarding the Potrero Community Voice

From Ethics Commission, Statement of Economic Interests Form

From Port Staff, Monthly Sales & Rent Report, Leases executed pursuant to Port Commission's Leasing Parameters Policy, Accounts Receivable

From Joie de Vivre Hospitality, invitation to the Hotel Vitale opening

From Toby Levine, regarding the Embarcadero Hotel Design Workshop

From Rod Freebairn-Smith, regarding the Embarcadero Hotel

From the Exploratorium, invitation to the Spectrum of Learning 28th Annual Awards Dinner

From Captain William Greig of the San Francisco Bar Pilots, regarding pilot vessel tour of the waterfront.

From Stephen Harper, regarding the USS Iowa.

12. ADJOURNMENT

APRIL 2005
CALENDAR OF UPCOMING PORT MEETINGS - OPEN TO THE PUBLIC

| Date | Time | Group | Location |
|-----------------|------------------|------------------------|--|
| April 12 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |
| April 12 | 5:30 p.m. | Port Staff | Port Commission Room @ Ferry Building |
| April 26 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |

NOTES:

The San Francisco Port Commission meets regularly on the 2nd and 4th Tuesday of the month at 3:00 p.m., unless otherwise noticed. *The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com.* Contact Amy Quesada at 274-0406.

The Cruise Terminal Environmental Advisory Committee generally meets the third week of each month. Date and time to be determined. Contact Michael Nerney at 274-0416.

The Environmental Quality Advisory Committee (EQAC) meets regularly on the fourth Thursday of the month at 9:00 a.m. at Scoma's Restaurant, Pier 47 @ Fisherman's Wharf. Contact Jay Ach @ 274-0562.

The Fisherman's Wharf Waterfront Advisory Group meets regularly on the 3rd Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Kirk Bennett @ 274-0545.

The Maritime Commerce Advisory Committee (MCAC) meets on a bi-monthly basis, on the third Thursday of the month, from 11:30 a.m. to 1:30 p.m. @ Pier 1. Contact Jill Rodby @ 274-0519.

The Mission Bay CAC meets regularly on the 2nd Thursday of the month, from 5:30 to 7:30 p.m. at the Mission Bay Visitor Center (255 Channel Street). Contact Tom Evans, Redevelopment Agency, at 749-2539 or tom.evans@sfgov.org for more information.

The Northeast Waterfront Advisory Group meets regularly on the 1st Wednesday of the month at 4:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Kirk Bennett @ 274-0545.

The Central Waterfront Advisory Group meets monthly on an as-needed basis generally on the 3rd Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 705-8674 or via email @ Mark_Paez@sford.com.

The Rincon Point-South Beach CAC meets regularly on the 3rd Monday of the month, from 5:00-7:00 p.m. at the South Beach Yacht Club (Pier 40 on The Embarcadero). Contact Tom Evans, Redevelopment Agency, at 749-2539 or tom.evans@sfgov.org for more information.

The Southern Waterfront Advisory Committee (SWAC) meets every last Wednesday of the month from 6:15 to 8:15 p.m. Location to be determined. Contact David Beaupre @ 274-0539 or david_beaupre@sford.com.

The Waterfront Design Advisory Committee meets jointly with BCDC's Design Review Board on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. or the Committee meets as needed on the 3rd Tuesday of the month from 11 a.m. to 1 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 274-0625.

The Port Permit Appeals Committee meets regularly on the first Thursday of June and December of the year. For further information contact Ed Byrne at 274-0570 or Dan Hodapp at 274-0625.

ACCESSIBLE MEETING INFORMATION

Ferry Building: The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots:

- A) 3 spaces in the surface lot on the west side of the Embarcadero at Washington St.
- B) 3 spaces in the Pier 1/2 lot, located on the east side of the Embarcadero between the Ferry Building and Pier 1. During business hours this lot is operated by valets.
- C) Hourly and valet parking in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa.

Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington St., Folsom St. & Drumm St.

Pier 1:

The Port's fully accessible offices are in the west end of Pier 1. There are two public entrances; the main entrance on the west (Embarcadero), and the Port History walk entrance on the south apron. Each of these entrances is provided with an automatically operated door. Both entrances lead to the Bayside conference rooms. Accessible public restrooms, drinking fountains, payphone and TTY are on the first floor near the main entrance. The public spaces of the Port's offices are equipped with remote infrared signage (Talking Signs) identifying all primary entrances, paths of travel, meeting rooms and amenities. Accessible seating areas and assistive listening devices will be available in the Bayside Conference rooms.

Accessible meeting information policy:

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals. A sign language interpreter and alternative format copies of meeting agendas and other materials can be provided upon request made at least 72 hours in advance of any scheduled meeting. Contact John Scott, Port's ADA Coordinator, at 274-0571. The Port's TTY number is (415) 274-0587.

Know Your Rights Under the Sunshine Ordinance. Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Castro by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine/>

Lobbyist Registration and Reporting Requirements. Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.



MEMORANDUM

March 17, 2005

TO: MEMBERS, PORT COMMISSION

Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon
Hon. Sue Bierman
Hon. Ann Lazarus

FROM: Monique Moyer
Executive Director

**SUBJECT: Ferry Building Area /Downtown Ferry Terminal Planning
INFORMATIONAL PRESENTATION; NO ACTION REQUIRED**

This year, Port staff will initiate a collaborative planning process to develop a Ferry Building Area/Downtown Ferry Terminal Plan (the "Plan") in order to provide a framework for future development in the area that is consistent with Port and City objectives for stewardship of the waterfront. The Port anticipates utilizing consulting services, as needed, to support the planning process and will draw upon funding received through Proposition K, the half-cent local transportation sales tax program passed by San Francisco voters in November 2003. Proposition K included a \$5 million allocation to further plan and implement improvements to the Downtown Ferry Terminal at the Ferry Building.

Clearly, the area has undergone dramatic transformation in the past decade due to major public and private capital improvement projects including:

- Removal of the Embarcadero Freeway
- Construction of the Waterfront Transportation Projects along The Embarcadero including multi-modal transportation improvements and restoration of historic streetcars for the "F" line between Market Street and Fisherman's Wharf
- Construction of four new ferry berths at Gates "B" and "E", a breakwater and public access at Pier 14, and related public access improvements at the Downtown Ferry Terminal
- Historic rehabilitation of Pier 1 and the Ferry Building, a National Register Landmark, including a public marketplace and farmer's markets in Ferry Plaza
- Historic rehabilitation of Piers 1-1/2, 3 and 5 (under construction) that will salvage condemned bulkhead buildings and pier structures for restaurants, office and visitor berthing uses

This Print Covers Calendar Item No. 4A



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Together, these improvements have restored a civic function to the area mixed with office, restaurants, and shops, representing almost \$1 billion in public and private investment. And the Farmer's Market has rekindled a connection between San Franciscans and the Ferry Building area and made it a destination for visitors from all over the world.

Further major capital improvements are still in store for the Ferry Building area. The Water Transit Authority ("WTA") has secured funds to support planning and implementation of a second phase of improvements to the Downtown Ferry Terminal. BART has approved funding to support the seismic retrofit of the Transbay Tube which terminates in Ferry Plaza. The Port is addressing facility conditions and long-term repair and replacement requirements in the area. The San Francisco Bay Conservation and Development Commission ("BCDC") and the Port have an agreement in place to plan for interim and long-term public access improvements. Further transportation planning is needed to address outstanding questions about how to design circulation through the Ferry Building area, and how parking that was removed for reconstruction of The Embarcadero Roadway can be restored to meet visitor demand necessary to support the Ferry Building Marketplace and the mix of other activities in the area that require parking to ensure long-term success. Implementation of these new capital improvements will require careful planning based on an understanding of the interrelationships between the issues and stakeholders, as well as the important long-term tenant interests and public infrastructure investments already in place in the Ferry Building area.

This memorandum provides a general overview of the Port's work program to initiate and develop the Plan. As described further below, the Plan area would include the following property under the Port's jurisdiction: Pier ½ parking lot at the north end, extending south to include the Ferry Building and Agriculture Buildings, Downtown Ferry Terminal improvements, Ferry Plaza Platform, and Pier 14 Ferry Terminal Breakwater and Public Pier. On the west side of The Embarcadero, the planning area includes Seawall Lot 351 at Washington Street. The planning area is shown on Figure 1.

Stakeholders and Public Facilities

As mentioned above, there are several key stakeholders and public facilities that are directly affected by future development within the Plan area. Certain public agencies, such as BART and WTA, are actively engaged in planning for the construction of capital improvements in the Plan area in order to improve or expand regional transit facilities that intersect with Port property. And several Port tenants have long-term leasehold interests in the Plan area. Given the variety of interests in the same area, the Port staff expects to find both shared and competing objectives among the participants in the planning process. Overall, the goal will be to integrate and reconcile these objectives and develop a long-term plan that strikes a balance among the primary goals of the interested parties. Some of the affected stakeholders and facilities are described in greater detail, below.

BART. In November 2004, Bay Area voters approved bond funding for seismic upgrades that will include the Transbay Tube, which connects Oakland to San Francisco, and reinforcements to seismic joints and ventilation systems on the San Francisco side of the Tube at the Ferry Platform. During 2005, BART intends to coordinate with the Port as it develops the engineering design for improvements at the Ferry Platform. It is in the Port's interest to avoid or minimize detrimental impacts on Port tenant improvements and operations during construction as well as

upon project completion. The Port also will use the information and goals developed in the planning process to advise BART on its replacement or reconstruction improvements such that they contribute positively to long-term improvements of the Ferry Building area overall. The negotiations with BART may result in new agreements or an amendment to the "Joint Powers Agreement" between the Port and BART that addressed the original construction of the Ferry Platform and Transbay Tube improvements.

Downtown Ferry Terminal. In the last 10 years, the Ferry Building area has regained an identity as the hub of the Bay Area regional ferry system. Ferry service is provided by multiple ferry operators through berthing facilities operated by the Port and Golden Gate Ferry. Given existing and projected congestion in the Bay Area's regional transportation system, demand for ferry service will grow. The Port Commission secured \$17 million in grants and Port capital funds to develop and implement a *Concept Plan for the Downtown Terminal*. Thereafter, the Port implemented "Phase I", which included two new terminals (Gates "B" and "E"), and the Pier 14 breakwater and public pier. Gates B and E each provide a two-berth float and currently serve ferry routes to Vallejo, Tiburon, Oakland/Alameda and Harbor Bay Island operated by Blue & Gold Fleet and Harbor Bay Maritime. As an outgrowth of the Phase I improvements, BCDC identified ongoing concerns about how public access will be improved and expanded as part of further Phase II Downtown Ferry Terminal improvements. The Port and BCDC have a Memorandum of Agreement to work cooperatively on this issue, which the Port intends to integrate in this proposed Ferry Building area planning process.

Water Transit Authority ("WTA"). The WTA is a regional agency authorized by the State to operate a comprehensive San Francisco Bay Area water transit system. Through the approval of Regional Measure 2 (RM-2) in 2004, the WTA will receive capital funds for use towards the planning and expansion of ferry facilities at the Port of San Francisco because of the City's status as the "hub" of the system. Some of these funds may be used for improvements or consultant studies within the Plan area. WTA's primary interest is in transit and transportation-related improvements consistent with their long-term regional plan. WTA is not a Port tenant but may pursue lease or operational agreements with the Port as an outgrowth of this collective planning process.

Golden Gate Bridge Highway and Transportation District ("Golden Gate"). Golden Gate has a long-term lease at the Downtown Ferry Terminal and operates ferry service between Marin County and San Francisco. Golden Gate will be a key participant in the planning process for the Downtown Ferry Terminal for purposes of examining the long-term program requirements for modern, secure ferry berthing facilities on the water-side and for passenger amenities on the landside that are efficient, secure and designed in keeping with anticipated growth and modernization of the regional ferry system.

Port Tenants. In addition to Golden Gate there are other Port tenants, some with long-term leasehold interests, which are centrally located within the Plan area. Ferry Building Investors (including Equity Office Properties ("EOP")) recently completed \$100 million in core & shell improvements (excluding tenant improvements) pursuant to a 66-year lease at the Ferry Building. EOP manages the Ferry Building lease area that includes the Ferry Building and Ferry Plaza, as well as an agreement with CUESA, the operator of the outdoor Farmer's Market. EOP also manages a related parking agreement for Pier ½ and SWL 351. Ferry Plaza Limited Partners is also a long-term tenant on the Ferry Platform whose subtenant is the World Trade

THE FIRST PART OF THE HISTORY OF THE
LIFE OF THE LATE KING CHARLES THE FIRST
BY JOHN BURNET
IN TWO VOLUMES.
LONDON, Printed by J. Streater, at the Sign of the Gun, in St. Dun-
stons Church-yard, 1679.

THE SECOND PART OF THE HISTORY OF THE
LIFE OF THE LATE KING CHARLES THE FIRST
BY JOHN BURNET
IN TWO VOLUMES.
LONDON, Printed by J. Streater, at the Sign of the Gun, in St. Dun-
stons Church-yard, 1679.

THE THIRD PART OF THE HISTORY OF THE
LIFE OF THE LATE KING CHARLES THE FIRST
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THE FOURTH PART OF THE HISTORY OF THE
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LONDON, Printed by J. Streater, at the Sign of the Gun, in St. Dun-
stons Church-yard, 1679.

THE FIFTH PART OF THE HISTORY OF THE
LIFE OF THE LATE KING CHARLES THE FIRST
BY JOHN BURNET
IN TWO VOLUMES.
LONDON, Printed by J. Streater, at the Sign of the Gun, in St. Dun-
stons Church-yard, 1679.

Club. There are a number of operational issues affecting these tenants that will be considered when developing long-term improvement plans for the area, including establishment of a stable parking resource for the area and reconciling transportation and circulation issues as ferry activities increase over time. In addition, the Port has shorter-term leases with Sinbad's Restaurant and at the Agriculture Building, including Amtrak, which current operational needs and objectives may also be considered in the planning process.

Issues to be Addressed by the Plan

The goals of the Plan will be shaped by the Port and City land use plans for the area and the long-term objectives of the various public agencies and private tenant-stakeholders in the area. Although preliminary, we expect the Plan to address at least the following issues:

Land Use Plan & Redevelopment Strategy. Develop a long-term land use program that balances the transportation and other multi-use needs of the area. Include in the evaluation Pier ½, the Agriculture Building, public access areas, and transportation and service areas. Analyze various strategies for rehabilitation of the Agriculture Building, including uses that would allow both public funds and private investment for its redevelopment.

Transportation, Circulation, & Parking. Strengthen and coordinate the inter-modal transportation connections in the Ferry Building/Downtown Ferry Terminal area to optimally manage parking and circulation to support the multi-use character of the Ferry Building area as a major civic, commercial and transportation center for the City. Design a circulation system that allows all modes of travel to serve the needs of the DFT, BART, Ferry Building and Agriculture Building including buses, valet, taxis, bicycles and secure storage for bikes, pedestrians, delivery, and parking. Address unresolved long-term parking needs of the area. The circulation plan also will need to consider anticipated increases in ferry ridership, passenger security requirements, public access and impacts to affected Port facilities and businesses.

Public Access Plan and Program. In defining the types of improvements and operational needs sought by the various Ferry Building area stakeholders, the planning process will also need to develop a complementary public access plan that enhances public use and enjoyment of the Bay, and respond to BCDC objectives for the area. This planning process is considered key to responding to the requirements set forth in the agreement between the Port and BCDC, which was approved following the completion of Phase I of the Downtown Ferry Terminal.

Planning Work Program

In light of the numerous major projects in the area, the Ferry Building/Downtown Ferry Terminal planning effort will be developed with ongoing input from interested members of the public as well as current and prospective tenant stakeholders. Workshops, stakeholder meetings, technical or design advisory meetings, and/or public hearings may all be used as forums for discussion of the Plan. In general, the planning work program for this planning process is designed to:

- 1) Collect stakeholders and public input;
- 2) Develop conceptual proposals and options to respond to those issues for public review; and
- 3) Refine land use and design concepts to develop a consensus-based Concept Plan for the Ferry Building/Downtown Ferry Terminal area.

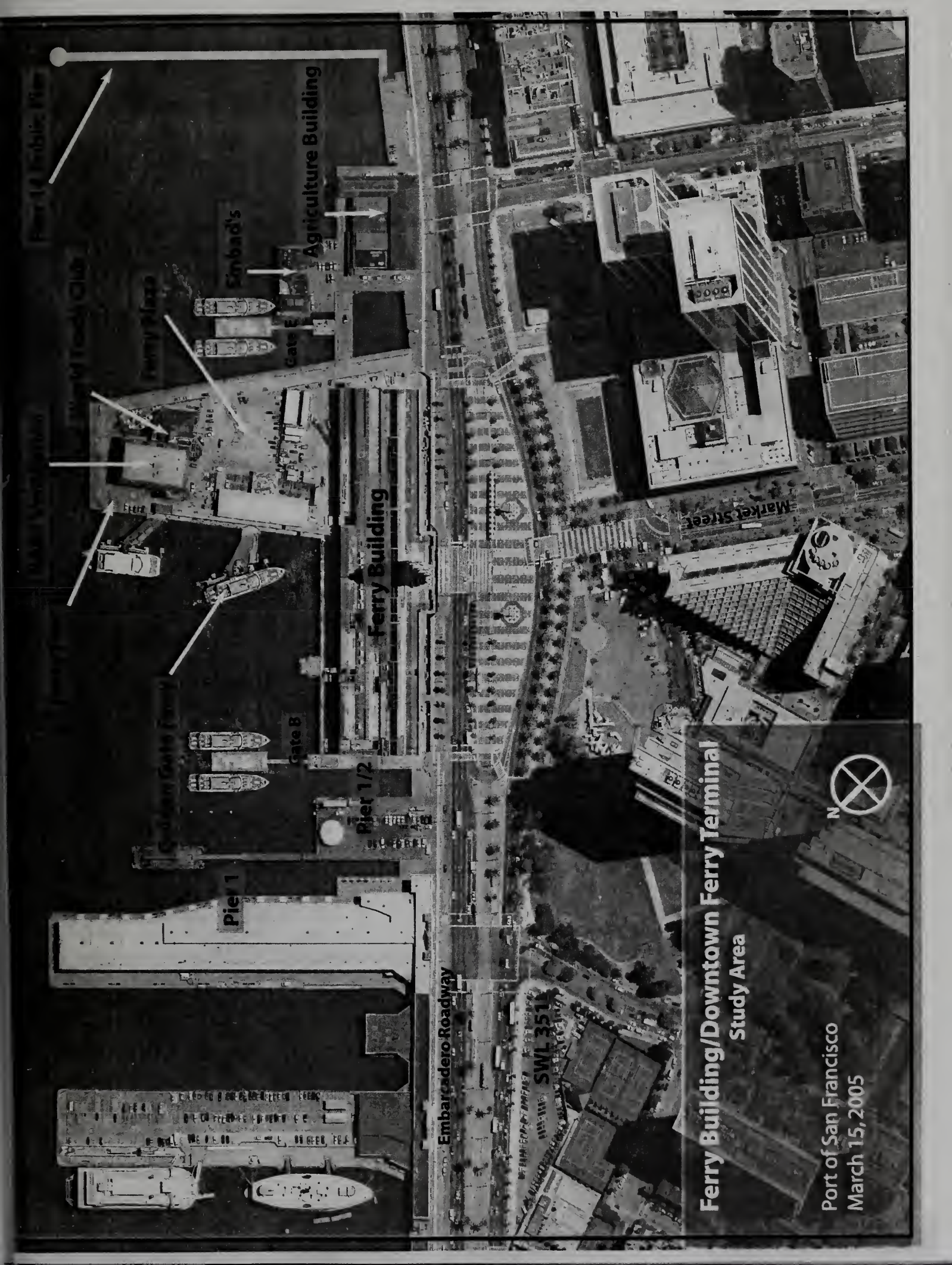
Port staff proposes to manage the planning process, and will utilize Proposition K funds to hire a consultant team to work at the Port's direction. Certain aspects of the consultant analysis may be funded by the WTA from Regional Measure 2 funds.

It is anticipated that the Port initially will meet with stakeholders to gather site planning information this spring, while the consultant hiring process is underway. It is anticipated that the planning process will take about 18 months and produce the following:

- 1) A planning area report that addresses the goals and objectives of the Ferry Building/Downtown Ferry Terminal Area Plan;
- 2) A land use plan that includes ferry berthing layout and passenger facilities and services, circulation and transportation staging and parking areas, including pedestrian and bicycle areas;
- 3) Renovation alternatives for the historic Agriculture Building that could include transportation and/or commercial uses;
- 4) Operational improvements to respond to current and long-term tenant stakeholder needs; and
- 5) Cost estimates for components of the plan, and implementation, prioritization and funding recommendations.

Port staff will seek direction from the Port Commission throughout the planning process in order that the resulting concept plan can be supported by the Port Commission and become a long range planning tool to implement projects as opportunities arise. Development of the plan would not commit the Port Commission to expend funds or implement projects. The plan could be used to guide improvements by other agencies in the Ferry Building area.

Prepared by: Kari Kilstrom & Dan Hodapp
Planning & Development



**Ferry Building/Downtown Ferry Terminal
Study Area**

Port of San Francisco
March 15, 2005



MEMORANDUM

March 18, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon, Commissioner
Hon. Sue Bierman, Commissioner
Hon. Ann Lazarus, Commissioner

FROM: Monique Moyer
Executive Director

SUBJECT: Request for Retroactive Approval of Rent Credits and Assignment of Lease No. L-12664 from Allright Cal, Inc. to Central Parking System, Inc.

DIRECTOR'S RECOMMENDATION: APPROVE RESOLUTION

BACKGROUND

On March 16, 1999, the Port Commission approved Lease No. L-12664 with Allright Cal, Inc. for premises located at Seawall Lots 321, 323 and 324, for use as surface parking lots. This parking lot lease opportunity was originally offered through the Port's competitive bid process. Allright Cal, Inc. was the high bidder and thus won the rights to a lease for the operation of the parking lots. In addition to the premises defined in the Lease, the Lease also includes an option for the Port to expand if space north of the Ferry Building becomes available for surface parking operations. This option has been exercised by the Port on several occasions. Two such expansions include expanded parking at Pier ½ to facilitate the development of the Ferry Building, and relocating parking from Pier 1 to Pier 3 to accommodate the development of Pier 1.

On October 22, 2004, the Controller's Office Financial Audits Division issued an audit report regarding Lease No. L-12664, which was copied to the Commission. The report cited the Port for improperly issuing (1) \$129,450 in rent credits to Allright as compensation for making improvements to various parking lots, (2) credits for Port parking spaces, and (3) credits for one-half of Allright's payroll expenses related to managing the parking lot at Pier ½.

In addition to the rent credit issues outlined above, the audit also cited other findings, which do not require Commission approval. Port staff has been working directly with the tenant to resolve these other issues.

This Print Covers Calendar Item No. 5A

Findings not requiring Port action include the items described below.

- (1) Allright made numerous errors in recording gross receipts and paying its rent to the Port. Allright overpaid its rent for the base lot and underreported certain revenues from the expansion lots. Port and tenant are close to full resolution of the issue, which will likely result in approximately \$15,000 due back to Allright.
- (2) Allright's revenue control equipment did not comply with the police code and lease requirements. The San Francisco Department of Consumer Assurance has determined that the tenant is in compliance regarding revenue control equipment.
- (3) Allright did not fully comply with record retention requirements. Allright has been reminded to retain all its records for a four-year period as required under its lease with the Port.
- (4) Allright did not pay parking taxes for the parking spaces paid by the Port. Allright disagrees that it should pay parking tax to the City based on rent credits. Port staff will work with the tenant and the tax collector to resolve this issue.
- (5) Allright did not always record and report revenues on a daily basis. Auditor discussed daily closeouts and reporting of revenues with Allright's operations manager, who agreed to require this procedure effective November 8, 2003.

The rent credits are described in greater detail below.

Rent Credits for Improvements

The Port issued rent credits of \$68,160 to reimburse Allright for installing electrical fixtures and lighting at Pier 3, and for designing and striping parking stalls. In order to provide safe adequate lighting at Pier 3, the Port issued rent credits totaling \$55,719.50 for installing a new lighting system. The San Francisco Building Code requires installation of the lighting system, which had to be met prior to allowing a public parking on the Pier. Because of the challenging time constraints related to the various development projects, the Port's Engineering and Maintenance staffs were unable to commit to a timely "in-house" completion of the project. The Director of Engineering and Maintenance recommended to then Executive Director, Doug Wong, that the Port offer rent credits to Allright to facilitate the installation. Allright agreed and completed the work within three weeks. As a result, the Port was able to deliver Pier 1 to the developer without any delays.

Additionally, the Port issued rent credits totaling \$12,440.50 to Allright for designing and striping parking stalls on Piers ½, 3, and 27/29.

Accordingly, retroactive permission is now requested by Port staff.

Rent Credits for Three Parking Spaces

The Port issued rent credits in the amount of \$14,483 for three reserved parking spaces at Pier ½. The spaces were used by the Executive Director, one Port Commissioner and a Port employee

that required a disabled space. The Port issued these rent credits during the period from March 2001 through April 5, 2002. The three parking spaces were a substitute for eleven Port parking spaces that were eliminated as part of the Ferry Building development. The Port didn't pay for the eleven parking spaces that were used by various Port management staff and commissioners.

Rent Credits for One-Half of Allright's Payroll Expenses at Pier ½

The Port reimbursed Allright for half of its payroll expenses for operating the expansion parking lot at Pier ½, from May 1, 2000 through April 5, 2002 by issuing \$46,687 in rent credits. In order to provide the most efficient operation, best customer service and maximize revenues, it was determined that Pier ½ should be operated as an assisted valet parking lot. This required additional parking personnel, which was not economically feasible under the percentage rent provision of the Lease requiring Allright to pay 66% of gross receipts (after parking taxes) to the Port. Port staff negotiated a rent credit with Allright for one half of Allright's payroll expenses for the operation of Pier ½ to make up for the additional labor cost associated with operating a valet lot. The 66% of gross receipts business model is based on parking lots requiring less intensive management and staffing, such as commuter parking lots. After April 5, 2002, Ferry Building Investors began managing the parking lot at Pier ½, and the rent credit ceased.

Port staff issued the rent credits described above with the approval of the Port's then Executive Director, Doug Wong, however without obtaining the appropriate approvals from the Port Commission. Although the Port had a Rent Credit Policy in place at the time the credits were issued, the Lease does not address any provision regarding rent credits.

In order to comply with the audit, and to correct accounting discrepancies caused by the issuance of the rent credits, Port staff is seeking the Port Commission's retroactive approval of rent credits totaling \$129,450.

ASSIGNMENT OF LEASE

The original and currently named lessee on Lease No. L-12664 is Allright Cal, Inc. On September 30, 2001, Allright Cal, Inc. was merged into Central Parking System, Inc. Pursuant to comments cited in the Controller's Audit of the Lease, and as a matter of good business practice, the Lease should have been formally assigned from Allright Cal, Inc. to Central Parking System, Inc. at the time of the merger. In order to correct this oversight, Port staff now intends to formally document the change in entity by way of a Lease Assignment. Pursuant to this resolution, Port staff is seeking approval of an Assignment of Lease from Allright Cal, Inc. to Central Parking System, Inc.

RECOMMENDATION

Port staff recommends that the Port Commission approve the retroactive rent credits in the amount of \$129,450 and the Assignment of Lease No. L-12664 from Allright Cal, Inc. to Central Parking System, Inc.

Prepared by: Mark Lozovoy, Assistant Deputy Director

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 05-22

- WHEREAS, Section 3.581 of the Charter of the City and County of San Francisco empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control Port area of the City and County of San Francisco; and
- WHEREAS, Section 3.581(g) of the Charter of the City and County of San Francisco provides that leases granted and made by the Port Commission should be administered exclusively by the operating forces of the Port Commission; and
- WHEREAS, by Port Lease No. L-12664, the Port leased to Allright Cal, Inc. ("Allright") Seawall Lots 321, 323 and 324 in the City and County of San Francisco as surface parking lots; and
- WHEREAS, in addition to the premises defined in the Lease, the Lease also includes an option by the Port to expand if space north of the Ferry Building becomes available for surface parking operations; and
- WHEREAS, two such expansions were granted for parking management at Piers ½ to facilitate the development of the Ferry Building, and the relocation of parking from Pier 1 to Pier 3 to make way for the development of Pier 1; and
- WHEREAS, on October 22, 2004, the Controller's Office Financial Audits Division issued an audit report regarding Lease No. L-12664 with copies to the Commission. The report cited the Port with improperly issuing \$129,450 in rent credits to Allright as compensation for making improvements to various parking lots, credits for Port parking spaces and credits for one-half of Allright's payroll expenses at Pier ½; and
- WHEREAS, in order to comply with the audit, and to correct accounting discrepancies caused by the issuance of the rent credits, Port staff is seeking the retroactive approval by the Port Commission of rent credits totaling \$129,450; and
- WHEREAS, on September 30, 2001, Allright Cal, Inc. was merged into Central Parking System, Inc. ("Central"); and
- WHEREAS, Port staff now intends to formally document the change in entity by way of a Lease Assignment from Allright Cal, Inc. to Central Parking System, Inc.; NOW THEREFORE BE IT

RESOLVED, that the San Francisco Port Commission hereby approves retroactive rent credits in the amount of \$129,450; and be it further

RESOLVED, that the San Francisco Port Commission hereby approves an Assignment of Lease No. L-12664 from Allright Cal, Inc. to Central Parking System, Inc. on terms and conditions outlined in the memorandum to the Port Commission for Agenda Item 5A of the Port Commission Meeting on March 22, 2005, and the Port Commission authorizes the Port Executive Director, or her designee, to execute the same on behalf of the Port in such form as approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 22, 2005.

Secretary



MEMORANDUM

March 16, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon
Hon. Susan Bierman
Hon. Ann Lazarus

FROM: Monique Moyer
Executive Director

SUBJECT: Request Authorization to Execute a Contract Modification to Contract No. 2686, "Maintenance Dredging," with Dutra Dredging Company

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO EXECUTE THE PROPOSED CONTRACT MODIFICATION TO CONTRACT NO. 2686, "MAINTENANCE DREDGING" WITH DUTRA DREDGING COMPANY TO EXTEND THE CONTRACT TERM TO DECEMBER 31, 2005.

Introduction

Port staff requests that the Commission authorize the execution of a contract modification to the existing Construction Contract No. 2686, Maintenance Dredging with Dutra Dredging Company, to extend the contract term to December 31, 2005, with no additional funding added to the contract. This modification will allow the Port to complete dredging at Pier 80 and Pier 94/96. The dredging is necessary to maintain the required depths for vessels that support the Port's maritime business.

Background

After competitive bid of the Port's Maintenance Dredging Project, the Port Commission, at its meeting on January 27, 2004, authorized staff to award a maintenance dredging construction contract to Dutra Dredging Company in the amount of \$2,730,000, and to increase the contract amount to a maximum of \$6,455,650, plus a 10% contingency of \$645,565, as additional funding became available (Port Commission Resolution 04-09). Thereafter, staff executed the contract with Dutra Dredging, and the current contract term expires on July 31, 2005.

Under the existing contract, the contractor completed dredging at Pier 35 in May 2004, and is preparing to dredge at Pier 35 in March 2005 and Fisherman's Wharf in April 2005.

This Print Covers Calendar Item No. 6A

However, the Port also needs to perform dredging at Pier 80, Pier 90/92, and Islais Creek in fall 2005, after the existing contract term expires. Staff therefore proposes to extend the existing contract term by 5 months and utilize unexpended contract funds to satisfy the Port's near-term dredging needs. The proposed contract modification will extend the duration of the contract to secure the contractor's services for the necessary dredging in the fall season. This scope of work was included in the original contract.

The contractor has agreed to the terms of the proposed contract modification, based on the original contract unit prices. Human Rights Commission Staff has also reviewed and approved the proposed contract modification. The original MBE and WBE subcontracting goal for the contract will remain the same, which provides that 60% of the value of trucking will be subcontracted to MBE or WBE truckers if the prime contractor requires the use of trucks to dispose of dredge materials.

Funding and Budget

The current contract budget is supported by existing Port capital funds, and contains unexpended funds to cover the estimated work under the contract modification, as shown below. There will be no increase in contract value as a result of the proposed contract modification.

| | |
|-----------------------------|-------------|
| CPO 625-11, Year 2003/2004 | \$2,843,000 |
| CPO 625-12, Year 2004/2005 | \$1,850,000 |
| Total Budgeted 2003 to 2005 | \$4,693,000 |

| | |
|---|-------------|
| Completed Calendar Year 2004 | (\$948,000) |
| Projected to January 1 to July 31, 2005 | \$1,700,000 |
| Non-contract charges | (\$100,000) |
| Projected Balance Remaining 7/31/05 | \$1,945,000 |

| | | |
|--|---------------|-------------------------|
| Projected July 31 to December 31, 2005 | | |
| (Pier 80/90/92/Islais Creek) | (\$1,850,000) | [Proposed Modification] |
| Projected Balance 12/31/05 | \$95,000 | |

| | |
|------------------------------------|-------------|
| Estimated Total Contact Value | \$4,598,000 |
| at completion of Work | |
| Approved Maximum Value of Contract | \$6,455,650 |

Summary

Staff recommends Commission approval of the proposed contract modification in order to maintain the operation of several berths critical to the Port's maritime operations.

Prepared by: Ken Chu, Engineer
and Jay Ach, Dredging Program Manager
for Edward F. Byrne, Acting Chief Harbor Engineer

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 05- 20

WHEREAS, the Port Commission, at its meeting on January 27, 2004, authorized staff to award a maintenance dredging construction contract to Dutra Dredging Company in the amount of \$2,730,000, and to modify the contract amount to a maximum amount of \$6,455,650, plus a 10% contingency of \$645,565, as additional funding became available (Port Commission Resolution 04-09); and

WHEREAS, thereafter, Port staff executed the dredging contract with Dutra Dredging Company, and the current contract term expires on July 31, 2005; and

WHEREAS, under the existing contract, the contractor completed dredging at Pier 35 in May 2004, and is preparing to dredge at Pier 35 in March 2005 and Fisherman's Wharf in April 2005; and

WHEREAS, the existing contract contains unexpended funds and the Port also needs to perform dredging at Pier 80, Pier 90/92, and Islais Creek in Fall 2005, after the current contract term expires; and

WHEREAS, Port staff proposes to extend the existing contract term by 5 months and utilize unexpended contract funds to satisfy the Port's near-term dredging needs; and

WHEREAS, the proposed modification does not add to the scope or budget of the approved contract; and

WHEREAS, the contractor has agreed to the terms of the proposed contract modification, based on the original contract unit prices; and

WHEREAS, Human Rights Commission Staff has also reviewed and approved the contract modification; and

WHEREAS, staff estimates that the existing balance of unexpended contract funds will be sufficient to cover the cost of the remaining dredging to be performed under the proposed contract modification; now, therefore, be it

RESOLVED, the Port Commission hereby authorizes staff to execute of a contract modification to the existing Construction Contract No. 2686, Maintenance Dredging, with Dutra Dredging Company to extend the contract term to December 31, 2005.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 22, 2005.

Secretary



MEMORANDUM

March 16, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon
Hon. Sue Bierman
Hon. Ann Lazarus

FROM: Monique Moyer
Executive Director *M. Moyer*

SUBJECT: Approval to increase the amount of Contract Service Order No. PB-11 with Parsons, Brinckerhoff, Quade and Douglas, Inc. by \$145,000 to provide professional engineering services in support of Contract No. 2680, Illinois Street Intermodal Bridge

DIRECTOR'S RECOMMENDATION: AUTHORIZE STAFF TO INCREASE CONTRACT SERVICE ORDER NO. PB-11 WITH PARSONS, BRINCKERHOFF, QUADE AND DOUGLAS, INC. BY \$145,000 TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN SUPPORT OF CONTRACT 2680, ILLINOIS STREET INTERMODAL BRIDGE.

BACKGROUND

On July 16, 2003, the San Francisco Port Commission authorized the award of an "As-Needed Engineering and Environmental Services Contract" to Parsons, Brinckerhoff, Quade and Douglas, Inc. (PB), for professional engineering services at a cost not to exceed \$1,000,000. Also, at the same meeting, the San Francisco Port Commission authorized the Chief Harbor Engineer to issue separate Contract Service Orders under this contract without Commission approval in the maximum amount of \$75,000. All Contract Service Orders exceeding \$75,000 such as the one proposed herein must be first authorized by the Port Commission.

Note that this contract was approved by the Civil Service Commission.

INTRODUCTION

The Port Commission authorized award of Contract 2680 for the design and construction of the Illinois Street Intermodal Bridge by resolution 03-70 on December 11, 2003 to Shimmick Construction Company, Inc. A Notice to Proceed was issued January 7, 2004. The design portion of the work is nearing completion while the construction is ramping up.

This Print Covers Calendar Item No. 6B

The design-build method of project delivery allows the design builder (Shimmick) to develop its own design, but the design must meet established design criteria contained in the contract. Design and construction of movable bridges is very specialized. There are a limited number of consultants and contractors that perform this type of work. To ensure that the design is consistent with the criteria, the Port reviews the design at various stages to ensure that it adheres to the criteria. Neither the Port nor other City forces have the required expertise for this type of work because it is so specialized. As such, the Port has secured the services of technical specialists through the As-Needed Engineering and Environmental Services Contract with PB who designs movable bridges and is knowledgeable of design-build construction methods.

There are insufficient Port and City staff to manage, administer and perform the inspections for Contract 2680 in preparation for the construction phase of the work. Port staff have contacted several other City departments, but the departments have not been able to provide the resources needed. Port staff continue to move forward with filling the position of a construction inspector. Port staff, however, require immediate assistance with managing and administering Contract 2680. A total of 1.25 full-time-equivalents (FTE) consisting of the Project Manager (1 FTE) and the Resident Engineer (0.25 FTE) are managing and administering the contract. To assist Port staff, staff issued CSO No. PB-11 in January 2005 with a not-to-exceed budget of \$65,247.02. CSO No. PB-11 brings an additional 1 FTE on this project for a total of 2.25 FTEs. The scope is the same as described below, and the current budget is anticipated to be expended by April 15, 2005. It was anticipated that CSO No. PB-11 would be modified as work progressed and the project neared construction.

SCOPE OF CONTRACT SERVICE ORDER

Port staff is seeking authorization to increase the amount of CSO No. PB-11 to PB by an additional \$145,000. This request will revise the not-to-exceed amount of the CSO to \$210,247.02. These services will be funded through existing Port capital funds for the Illinois Street Intermodal Bridge project. The scope of work under this CSO remains the same and is as follows:

- Provide a full-time staff person (1 FTE) to assist with the administration of Contract 2680. This person will report directly to the Project Manager and will serve as the project Resident Engineer during times that the project Resident Engineer is not available or as the Construction Inspector during construction of the bridge.
- Provide as-needed engineering support to respond to Requests for Information and/or to assist with resolution of design issues.

Construction is anticipated to start in April 2005 and run through mid-2006. The services requested are anticipated to extend through the construction of the bridge (December 2005) which is the most challenging portion of the project. Should the Port not amend this CSO with PB, the Port will lack sufficient staff for construction and have no access to the technical expertise required to ensure that the design and construction is in accordance with the contract documents and approved design. Current staffing is inadequate and does not allow for successful completion of Contract 2680.

SUMMARY

Port staff requests that the Port Commission authorize the Chief Harbor Engineer to increase the amount of CSO No. PB-11 with PB by \$145,000.

Prepared by: Kathy Nakazawa, Project Manager
For Edward F. Byrne, Acting Chief Harbor Engineer

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 05-21

- WHEREAS, On July 16, 2003, the San Francisco Port Commission authorized the award of an "As-Needed Engineering and Environmental Services "Contract" to Parsons, Brinckerhoff, Quade and Douglas, Inc. to provide professional engineering services at a cost not to exceed \$1,000,000; and
- WHEREAS, On July 16, 2003, the San Francisco Port Commission authorized the Chief Harbor Engineer to issue separate Contract Service Orders under this contract without Commission approval in the maximum amount of \$75,000 but required Port Commission approval of any Contract Service Order greater than \$75,000; and
- WHEREAS, On December 11, 2003, the San Francisco Port Commission authorized award of Contract 2680 for the design and construction of the Illinois Street Intermodal Bridge to Shimmick Construction Company, Inc. by Resolution 03-70; and
- WHEREAS, Design and construction of movable bridges is very specialized and there are a limited number of consultants and contractors that perform this type of work, and neither the Port nor other City forces have the required expertise because it is so specialized; and
- WHEREAS, There are insufficient Port and City staff to manage, administer and perform the inspections for Contract 2680 prior to and during construction; and
- WHEREAS, Port staff issued Contract Service Order No. PB-11 to Parsons, Brinckerhoff, Quade and Douglas, Inc. in January 2005 to provide professional engineering services with a not-to-exceed amount of \$65,247.02 to assist staff with the administration of Contract 2680 and prepare for inspections; and
- WHEREAS, Port staff requires continued expertise from Parsons, Brinckerhoff, Quade and Douglas to administer Contract 2680, respond to Requests for Information, and resolve design issues to ensure that the design and construction is in accordance with the contract documents and approved design; now, therefore, be it
- RESOLVED, That the San Francisco Port Commission hereby authorizes the Chief Harbor Engineer to increase the amount of Contract Service Order No. PB-11 to Parsons, Brinckerhoff, Quade and Douglas, Inc. by an additional \$145,000, resulting in a revised Contract Service Order in the amount not to exceed \$210,247.02 for engineering services as described herein.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of March 22, 2005.

Secretary



MEMORANDUM

March 15, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon
Hon. Sue Bierman
Hon. Ann Lazarus

FROM: Monique Moyer
Executive Director *M Moyer*

SUBJECT: Informational Presentation: Use of Port Right of Way

INTRODUCTION

Port Real Estate, Engineering, and Planning and Development staff have been meeting since fall of 2004 to research and recommend policy options for Port Commission consideration related to public access to Port right of way, including:

1. The use of Herb Caen Way by pedestrians and other non-motorized traffic;
2. Sidewalk encroachments for restaurant tables and chairs or retail merchandise;
and
3. Street performers.

This item is an informational item designed to introduce these topics for public consideration and advise the Port Commission of planned outreach and research. After soliciting input from affected constituencies, Port staff will return to the Commission on a topic by topic basis with policy recommendations.

BACKGROUND

The growing popularity of the waterfront has significantly increased the number of people using the Embarcadero Promenade and other sidewalk areas. Apparent user groups are Port tenants, other vendors, street performers, pedestrians, bicyclists, skateboarders, scooters and rollerbladers. The increased visitor traffic to the Port and resulting competition for space has resulted in conflicts.

This Print Covers Calendar Item No. 6C

The purpose of the proposed Port Right of Way Program is to develop amendments to the Port Code and Port policies to ensure safe access to appropriate users of the Promenade and other sidewalk areas.

A Right of Way Program that provides for permitting and inspection of designated activities (i.e., permitting of sidewalk encroachments to ensure maintenance of the Americans' with Disabilities Act path of travel), proper notice of rules and regulations (e.g., written notice to tenants and/or public signage), and consistent enforcement will enhance public safety and minimize liability exposure to the Port. The following sections of this report provide an introduction to the various topics that comprise the proposed program.

PEDESTRIANS AND NON-MOTORIZED TRAFFIC ON HERB CAEN WAY

Herb Caen Way extends 2 miles alongside The Embarcadero from China Basin to Pier 35, with Jefferson Street extending the pedestrian route to Fisherman's Wharf. Current non-motorized traffic on Herb Caen Way includes pedestrians, recreational cyclists, skateboarders, scooters, and rollerbladers. Traffic is heaviest on weekend days.

Port staff researched the history of this portion of the Embarcadero through review of Commission minutes. Based on this research, it appears that the Herb Caen Way facility is not legally designated as a sidewalk, but is instead a marginal wharf, a designation that dates back to its prior use serving maritime operations. The legal designation of Herb Caen Way determines which rules apply to activity on the facility.

The California Vehicle Code (CVC) provides discretion to local jurisdictions to regulate the use of pedestrian facilities. CVC Section 21205 states that "this chapter does not prevent local authorities, by ordinance, from regulating the registration of bicycles and the parking and operation of bicycles on pedestrian or bicycle facilities, provided such regulation is not in conflict with the provisions of this code."

Article 5, Section 96 of the San Francisco Traffic Code restricts bicyclists age 13 and over from traveling on sidewalks:

"It shall be unlawful to ride a bicycle upon any sidewalk area, except at a permanent or temporary driveway or on bikeways heretofore or hereafter established by resolution of the Board of Supervisors; provided, however, that juveniles under the age of 13 and riding a sidewalk bicycle, exercising due care and giving the pedestrian the right-of-way, may ride and operate their sidewalk bicycles upon the sidewalk, except such sidewalks as are in front of schools, stores, or buildings used for business purposes."

The Port Commission has broad flexibility to define Herb Caen Way and the Commission may regulate the types of traffic that can travel on the facility and under what conditions. The Commission could designate Herb Caen Way as a sidewalk, a multi-modal pathway, or a multi-modal pathway with certain exemptions. Signage has been previously posted in certain areas prohibiting skateboarding.

Proposed Research and Outreach

Port staff proposes to conduct outreach regarding the designation of Herb Caen Way to the following groups: Walk San Francisco, Senior Action Network, SF Bike Coalition, SPUR, and Port advisory groups.

No data exists regarding the number of pedestrians and bicyclists who use Herb Caen Way. Research that would inform a future policy discussion by the Port Commission includes:

1. A traffic engineering analysis of Herb Caen Way, including identification of obstacles to the path of travel along the facility;
2. A review of traffic safety literature regarding conflicts between pedestrians and other non-motorized traffic; and
3. A review of the performance of other multi-modal facilities such as the Golden Gate Bridge and sections of Crissy Field multi-modal pathway under the jurisdiction of the Golden Gate National Recreation Area.

With the involvement of interested constituents, Port staff will seek assistance conducting such research from the Mayor's Office on Disability, the San Francisco Department of Parking and Traffic and/or the San Francisco County Transportation Authority.

SIDEWALK ENCROACHMENTS FOR RESTAURANTS OR MERCHANDISE

Port tenants and other business operators frequently utilize Port public rights of way for restaurant use or for merchandising. Such arrangements with Port tenants are typically negotiated as provisions of leases.

This approach has proven effective where the Port has an existing lease with a tenant who wants to utilize adjoining sidewalk space, including restaurants that operate crab pots or place tables and chairs outdoors for dining. This approach does not fit the circumstances on the south side of Jefferson Street, where the Port has jurisdiction over the sidewalk up to the building line, but does not own the adjacent building.

Unauthorized sidewalk encroachments are usually handled by Port Real Estate property managers. Tenants are directed verbally or in writing to stop encroaching or to negotiate a lease amendment. Non-Port tenants may be asked to leave or Port staff may refer issues to the San Francisco Police Department.

The City has adopted a regulatory mechanism for permitting such activity on City public rights of way. This regulatory system is not currently utilized on Port property.

The Department of Public Works (DPW) requires a party to obtain a Street Use Permit whenever a party needs access to the public right of way (e.g. public sidewalks) to construct, improve, excavate, occupy and /or perform work. The purpose of the City's regulatory system for public right of way encroachments is to maintain an appropriate path of travel for pedestrians and other traffic.

Article 5.2, Section 176 of the San Francisco Public Works Code states that:

“No owner or operator of a business establishment shall occupy any portion of a public sidewalk, court, alley or street with tables and chairs without first obtaining a cafe tables and chairs permit in accordance with the provisions of this Article. Any business owner or operator occupying any portion of a public sidewalk, court, alley or street with cafe tables and chairs without a permit as required by this Article shall be subject to fines and penalties as provided in Sections 176.8 and 176.9 of this Article.”

Article 5.3, Section 183 of the San Francisco Public Works Code states that:

“The Director of Public Works is hereby authorized and empowered to issue revocable permits for the placement of display stands used for the purpose of displaying fruits, vegetables, living plants, cut flowers and nonfood merchandise in any area in public sidewalk areas contiguous to business establishments in locations wherein retail commercial activity is permitted under the Planning Code except for those areas designated C-3 pursuant to Section 210.3 of the Planning Code.”

The Public Works Code outlines the process for applicants to obtain such permits from DPW. The applicant must submit information regarding proposed uses, pay an application fee (totaling not less than \$100 annually and sometimes capped at \$360 annually), and post "notice of intent" to utilize the public right of way. If no complaint is filed by the public after 10 days following the posting, the DPW Director issues the permit subject to any additional conditions or restrictions. A typical condition is an indemnification of the City from any claims or liability resulting to persons or property arising from the permittee's use of the right of way.

The code also outlines the process for permit suspension or revocation, the administrative process to appeal the issuance or denial of a permit, and penalties.

The Port Commission has broad flexibility to establish permitting mechanisms for sidewalk encroachments. Options include continuing use of leases/licenses to define permitted encroachments; adoption of all or a portion of the City's Public Works Code for all or portions of property under Port jurisdiction; or a combination of both methods.

Proposed Research and Outreach

Port staff proposes to conduct outreach regarding permitting of sidewalk tables and chairs and display merchandise to Port advisory groups.

Research that would inform a future policy discussion by the Port Commission includes:

1. Analysis of revenue potential of various leasing/licensing arrangements, including a review of outdoor cart programs at destinations such as Faneuil Hall Marketplace in Boston, Massachusetts; and
2. A review of ADA path of travel constraints for sidewalks under Port jurisdiction by the Mayors Office on Disability.

STREET PERFORMERS

The issue of how and whether to regulate the activities of street performers in public rights of way has been debated since at least the early 1980's. In 1984, the San Francisco Port Commission established a Street Performers Task Force that reviewed street performer activity and issued recommendations and proposed guidelines to the Commission, which are attached in Appendix A to this report.

In response to a March 2004 San Francisco Chronicle Pink Pages editorial and photo spread, the San Francisco Entertainment Commission initiated a year long investigation of street performers, including interviews and meetings with a variety of street performers and discussions with members of the Board of Supervisors.

The issues considered by the 1984 Port Commission Street Performer Task Force are substantially the same as those that exist today: to what extent should or can the Port or the City regulate street performance activities and how do such activities affect pedestrian safety. However, since the early 1980's the body of law regarding First Amendment activities in public rights of way has evolved significantly.

Street performers are engaged in activities protected by the First Amendment. Courts have upheld "time, place and manner" restrictions on street performers to the extent necessary to ensure the safety of performers, their audience, and the general public and to prevent the unreasonable interference with residents' enjoyment of peace and quiet in their homes or the ability of businesses to operate and conduct their business.

Developing a regulatory program that is consistent with "time, place and manner" court rulings can be a significant undertaking: Chicago made more than 100 findings of fact to support similar "time, place and manner" restrictions.

There are two sets of local regulations that govern certain performers on Port property. Street performers who sell the product of their performance are required to have permits from the City's Street Artist Program, which is administered by the San Francisco Arts Commission pursuant to San Francisco Police Code Article 24. Many street performers do not apply for such permits because they are not aware that sales of their own music (e.g., CDs) triggers the application of these provisions.

Article 24 of the Police Code establishes a street artist (or craftsperson) certification procedure including an examination process to qualify for certification, administered by the Arts Commission. The code prohibits the sale of merchandise by any street artist not certified by the Commission and authorizes the Board of Supervisors to designate areas where certified street artists may sell their art or craft item. In designating such areas, the Board of Supervisors may impose conditions or limitations "necessary to prevent undue interference with normal pedestrian or vehicular traffic". No such areas are currently designated by the Port Commission or the Board of Supervisors on Port property.

Street performers who use amplified sound are required to obtain a sound permit from the Entertainment Commission, pursuant to Article 1, Section 43 of the Police Code. The current

process requires application for permits and payment of an accompanying fee for each day of use. This requirement results in a limited number of applications for such permits by street performers.

Based on preliminary research, the Port Commission has some discretion to designate areas on Port property that are appropriate for street performances and impose regulations for limited purposes, such as maintaining the ADA path of travel. The Port could also create designated venues for Port-licensed street performers who would enjoy the exclusive right to perform at designated locations. Such an approach could provide for specific rules of conduct.

Proposed Research and Outreach

Port staff proposes to conduct outreach regarding street performers to Port advisory groups, the San Francisco Art Commission and the San Francisco Entertainment Commission. Supervisor Alioto-Pier is researching this issue citywide. Port staff will consult with her office on this matter prior to returning to the Commission.

Research that would inform a future policy discussion by the Port Commission includes:

1. Identification of recommended locations on Port property, subject to Port Commission approval, that could be designated for the Art Commission's Street Artist Program. Such spaces, if so approved, would be available by lottery for both street artists and street performers who sell the product of their performance; and/or
2. A review of ADA path of travel constraints for sidewalks under Port jurisdiction by the Mayors Office on Disability where the Port Commission may choose to disallow street performance.

CONCLUSION

As stated above, after Port staff solicit input from affected constituencies and the research outlined above has been completed, staff will return to the Commission on a topic by topic basis with policy recommendations. In the interim, staff welcome comments and suggestions from Commissioners to further direct this research.

Prepared by Brad Benson and Claudia Davison

RECOMMENDATION

To
SAN FRANCISCO PORT COMMISSION

From
STREET PERFORMERS TASK FORCE

May 23, 1984

The eight recommendations below constitute the Task Force's report to the Port Commission. The heart of our recommendation is that a demonstration program be instituted from the period June 1 - September 30, 1984. During this period, a Gold card registration system with voluntary guidelines would be tested. We believe that a cooperative, self-regulating program can be successful in protecting public safety while preserving the color, joy and fun of street performers at the Wharf. We strongly recommend your adoption of this 8-point program.

- (1) Adoption of a Gold Card system of guidelines and registration. The registration fee would be the minimum needed to defray the cost of printing the Gold Cards, guidelines and maps, to a maximum of \$3.00. No one would be denied a Gold Card due to inability to pay. A Gold Card could be obtained by filling out a registration form in Room 2000 of the Ferry Building (Room 3001 after June 11, 1984) during normal working hours, i.e., 8 a.m. - 5 p.m., weekdays. The cooperation of a Wharf merchant(s) is being sought to provide an additional point(s) of distribution of Gold Cards, guidelines and maps on weekends. The Gold Card would have the name and address of the performer on the front and the guidelines printed on the back. It would be dated and numbered and good unless revoked.
- (2) Adoption of a set of guidelines to constitute a voluntary program of compliance for street/sidewalk performers. The Guidelines would refer to existing laws and regulations that, if violated, may be grounds for arrest and removal from the Wharf area. No "new" regulations, per se, can be implemented without adoption of an ordinance through the Board of Supervisors.
- (3) Request the Port to send a letter to the San Francisco Police Department informing them of the work of the Task Force and the program adopted by the Commission. The letter should request the cooperation of the Police Department in carrying out the summer program within the spirit of the guidelines and the scope of the law.
- (4) Request the Port Commission to authorize and pay for construction of a new performance area, preferably with bleacher-type seating, at Pier 43 railroad arch to be used primarily by acts that attract large crowds and/or used amplified music.

- (5) Print a map for free distribution to all performers of the areas that have been recommended by the Task Force as the areas to use. Include on this map the location of private stages and the names of the persons to contact for auditions and use of these stages.
- (6) Request the Port Commission to hire a monitor or ombudsmen to promote compliance with the Gold Card guidelines.
- (7) Request the Port Commission to send a letter to the Citizens Advisory Committee of GGNRA to request their cooperation in making areas of Aquatic Park available to performers.
- (8) Continue periodic Task Force meetings on the fourth Monday of each month throughout the summer to review and report on the effectiveness of the demonstration program and to mediate disputes that may arise. These meetings would be at 5 p.m. in Room 283 of the Ferry Building on June 25, July 23, August 27 and September 24.

GUIDELINES FOR SIDEWALK AND STREET PERFORMERS

PORT OF SAN FRANCISCO

Street performing is a long-standing and colorful tradition in San Francisco. In order to preserve this tradition and to protect the safety and enjoyment of all – residents, visitors, performers, and merchants alike – you, as the performer are obligated to make an active effort to comply with the following commonsense guidelines. (Failure to do so will result in the revocation of your Gold Card and can result in other actions under the police, fire and safety codes of the City of San Francisco.)

1. Conduct your performance in compliance with all existing laws and regulations (and encourage your audience to do likewise);
 - keep out of traffic lanes and from between parked cars;
Ca. Penal Code Sec. 370, 372; City Police Code Sec. 22, 23, 157.
 - do not block pedestrian flow on sidewalks;
Ca. Penal Code Sec. 370, 372; Ca. Civil Code Sec. 3480, Ca. Code of Civil Procedure Sec. 731; City Police Code Sec. 22, 23, 157.
 - do not block fire lanes or emergency exits;
Ca. Penal Code Sec. 370, 372
 - observe the standards of the San Francisco Noise Abatement Ordinance
City Police Code Sec. 2900 et. seq.
2. Performances must be staged from one edge of the sidewalk or the other; props, equipment or tip receptacles must not be placed in the middle of the sidewalk.
3. Performers must leave enough space on sidewalks so that a single line of pedestrians can pass in each direction without having to go through the performance space or between members of the audience; and without having to “turn sideways” to pass.
4. The area directly in front of a doorway or display window and within a distance of five (5) feet of a merchant open for business, or the entrance to a group of stores/restaurants, shall not be occupied by a performer, his/her props, equipment, etc., or a member of the audience unless specifically authorized by the affected merchant/s.
5. No performer will be within twenty (20) feet of another performer, unless by mutual consent.
6. Performers may give their audience the opportunity to tip for the performance, but the performer may not demand or physically accost any member of the audience or public.

SAN FRANCISCO PORT COMMISSION

DOCUMENTS DEPT.

APR - 8 2005

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MARCH 22, 2005 MINUTES OF THE MEETING

MEMBERS, PORT COMMISSION

HON. WILFRED HSU, PRESIDENT
HON. MICHAEL HARDEMAN, VICE PRESIDENT
HON. KIMBERLY BRANDON
HON. SUE BIERMAN
HON. ANN LAZARUS

MONIQUE MOYER, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE MEETING MARCH 22, 2005

1. CALL TO ORDER / ROLL CALL

Commission President Wilfred Hsu called the meeting to order at 3:08 p.m. The following Commissioners were present: Wilfred Hsu, Michael Hardeman, Kimberly Brandon, Ann Lazarus. Commissioner Bierman was not present.

2. APPROVAL OF MINUTES - February 22, 2005 Meeting

ACTION: Commissioner Hardeman moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor; the minutes of the February 22, 2005 meeting were adopted.

3. EXECUTIVE

A. Executive Director's Report: Executive Director Monique Moyer reported the following:

- Port Employee Retirees

Don Dodson worked in the Port's Maintenance Department Piledriving Shop for over thirty years. He started with the Port as a Pile worker on January 22, 1975 and is retiring as a Pile worker Supervisor on April 30. He is dependable, hard-working and committed to the Port and his crew. He is considered to be a "go-to" and all-around good guy by his staff and his supervisors. Because of his knowledge of all aspects of pile driving operations, two years ago he was selected by the Maintenance Department to coordinate the work and purchasing of all four pile driving crews. He has been a tremendous asset to the Port.

Orville "Dick" Gotcher started working as a Plumber in the Port's Maintenance Division 22 years ago on January 24, 1983 and is retiring on April 2. He has often stepped-up to acting shop supervisor when the shop supervisor was away. He is very reliable and dependable and he is considered as a leader among his peers and is respected for his skill and experience as a plumber. He is a hard-working problem-solver who always has a joke or a funny story to share. He will definitely be missed by his co-workers.

- March 8, 2005 PORT/WDAC Embarcadero Hotel Design Workshop

All things considered, the workshop went very well. It was a time well spent. Several folks have taken her up on her offer to hear criticisms and recommendations. In the interim, staff continues to work with the developer to

refine the project and will keep the Commission informed of any progress. All parties are working hard to come to a consensus solution.

- The Annual Report of the Port of San Francisco will take place on April 12, 2005 @ 5:30 p.m. at the Ferry Building. It will be a presentation similar to what was provided to our rating agencies. There will be a brief Port Commission meeting from 3 to 4:30. Port staff will reconvene at 5:30. The annual report presentation is open to the public and the materials will be posted on our website following the presentation. It is intended to look at the organization as a whole and talk about where we have been the last year and where we would like to go as we prepare for the 2005/06 budget.

- Seatrade Cruise Conference in Miami, Florida

Last week, Deputy Director Peter Dailey and marketing reps Gerry Roybal and Mike Nerney attended the 21st annual Seatrade Cruise Shipping Convention in Miami, Florida. Seatrade convention is an excellent forum to strengthen relationships with key cruise executives and decision-makers. The Port of San Francisco was part of the Cruise the West exhibition, an association of 11 West Coast cruise ports, which promotes cruising in this region. Port staff met with executives from Singapore Cruise Centre, partner with Lend Lease in the San Francisco Cruise Terminal project at Piers 30/32. Port staff met with other ports, including New York and New Orleans, who are expanding and developing their cruise terminals, as the Port of San Francisco is. Staff made joint marketing calls with San Francisco Drydock to promote the Port's Ship Repair business. Port staff attended panel discussions on the State of the Cruise Industry, port security, the environmental outlook, industry innovation, fleet refurbishment, and ports and destinations.

- House approval of Illinois Street Bridge Funds.

Thanks to the efforts of Assemblywoman Nancy Pelosi, the House has approved \$4 million from the Transportation Equity Act (TEA) to complete the Illinois Street Bridge project. It is pending State approval. We are closer to finding the funds to finish the bridge.

- EPA Grant

The Environmental Protection Agency has preliminarily awarded the Port of San Francisco \$100,000 to subsidize cruise ships use of low-sulfur fuel rather than diesel fuel when they are in port in their hoteling mode. Thanks to Mike Nerney and Daley Dunham for their efforts. It is in its preliminary form; a final proposal is due to EPA towards the end of April. If we are successful, the Port would be able to issue dockage credits to cruise ships who convert to low sulfur fuel while in port. EPA would replace those revenues that we would otherwise use. She also thanked the Cruise Terminal Environmental Advisory Committee (CTEAC) for their efforts.

B. Informational Presentation by the San Francisco Fire Department regarding Defibrillators in public locations.

Commissioner Hsu welcomed Fire Chief, Joanne Hayes White. The chief introduced Dr. Marshall Isaacs who will make a brief overview of the public access defibrillation program. SFFD has been working for the past two decades to improve survival from sudden cardiac arrest. The SFFD has facilitated the implementation of the state-of-the-art life saving PAED (public access defibrillation program) at more than 20 locations and departments throughout the city. Mayor Newsom has championed the development of these programs through the SFFD since 1999 when he was a supervisor. Today, SFFD is a proud partner with: San Francisco International Airport, SF County Jails, SF City Hall, SF FD headquarter located at 698 Second Street, SF Opera House, Symphony House, War Memorial, SF Golf Club, the UCSF Millbury Union Gymnasium, American Heart Association SF Headquarters, SF Department of Public Works, Federal Reserve Bank of SF, Gold's Gym of the Bay Area, Levis Strauss World headquarters, Lady Shaw Senior Center, Muni, SF Sheriff's Department. The SF Police Department is under development as well as Nordstrom's, the GAP World Headquarters, BART and SF Unified School District. They are thrilled to list the Port of San Francisco as their newest partner in this program that will enhance the public's health and safety as well as that of the Port's employees, tenants and visitors. They are extremely grateful to Monique Moyer, Karen Taylor, command staff of the Port and to the Port Commission for their support of this important program. He introduced Dr. Marshal Isaacs and thanked him for his passion for this program as well as the coordination and the time he's put into the program.

Dr. Marshal Isaacs, EMS Medical Director of the SF Fire Department, explained the concept of public access defibrillation. Approximately 225,000 times per year in the United States someone suffers a sudden cardiac arrest. To put it in perspective, between midnight last night and midnight tonight 2 to 3 San Franciscans will drop dead suddenly. These are people between the ages of 30-70. A cardiac arrest is a sudden decrease in blood flow to a critical area, the electrical system of the heart. Some of the patients are known to have heart disease but 50% of them, for 1 out of 2 the first symptom that they have anything wrong with their heart is sudden cardiac arrest. Someone between the age of 30-70 could be at home or at a public place or in their office and feel a funny sensation in their heart. It could be a chest pain, a funny sensation. What they're having inside their heart is perhaps a heart attack, which is a blood clot in the coronary artery leading to a heart muscle death or a decrease in blood flow enough to make the electrical system very unhappy. When that happens, instead of the heart pumping blood rhythmically to the brain through the coronaries and to other vital organs, the heart start to quiver like a bowl of jello. That is called ventricular fibrillation. When the heart is fibrillating, it is no longer pumping blood. Within just seconds of fibrillation, the patient will collapse to the ground. If you check them, they will not be responsive; they will stop breathing and there will be no pulse. Ventricular fibrillation is easily treatable. An electrical shock has to be applied through the chest wall through the heart and that will stop the fibrillation. If that happens early enough, the heart's own intrinsic pace maker will re-fire and the heart will start pumping rhythmically again. It is critical to know that for every minute that goes by that the heart is allowed to remain fibrillating, the likelihood that person will survive drops by 10%. After 10 minutes, the likelihood of survival is near zero. The key is to get an electrical shock on board under 10 minutes – 2 to 3 minutes would be

preferable. Years ago the only people that could carry defibrillators that could interpret the heart's rhythm and could apply an electrical shock were paramedics. Many years ago before the Fire Department took on a significant leadership role with the MS in San Francisco there were only about ten ambulances on the street of San Francisco. With that number of ambulances they were getting to their cardiac arrest patients in 14 minutes. They were having almost no survivors. They had a few because every once in a while they will be around the corner from where the ambulance was stationed. Their survival rate was near zero about 15 years ago. In the late 80s, the fire department started equipping its engines with second generation defibrillators. This new generation of defibrillators had a computer chip on it and no longer did they require highly trained and educated paramedics to determine whether a shock was indicated, the semi-automatic external defibrillators (AED) could do it. These AEDs were placed on fire engines and firefighter EMTs could work these machines and the machine could read the rhythm and tell the user whether to deliver the shock. Because there are currently more than 40 fire engines in San Francisco, the fire engines, the firefighters, EMTs and paramedics get there quickly in a matter of 4 minutes or less so they can get a shock on board in about 7-8 minutes. Their survival rate improved when this program began in the late 80s. A few years ago, the concept of public access defibrillation was born. Public access defibrillation involves enlisting our own employees, members of the public and visitors to the sites that may know or have taken a course on how to work the machines. By placing this third generation of defibrillators in public places, they can get shock on board not in 14-15 minutes by ambulance or 7-8 minutes by fire engines but 2-3 minutes by placing them in public places. They investigated this in a nature human lab, a Las Vegas casino, a place where there are middle aged and older folks with bad habits, they smoked, drank and ate a lot and they got excited suddenly. When they first trained security officers at Las Vegas casinos, within one minute of someone collapsing on the casino floor, a trained employee of the casino would arrive, confirm that they were in cardiac arrest, would ask the machine to be brought within about 90 seconds, the machine could be at the patient's side, in 2 minutes, the shock is delivered. When the shock is delivered in 2-3 minutes, the patient will usually sit up and start talking to you but will still need to get to the hospital to get their heart disease treated but the survival rate is in excess of 70%. San Francisco's overall statistics for last year, only about 2 out of 10 patients survived with the current system. With the public access defibrillation program, 7 or 8 out of ten will survive. Mayor Newsom has been championing this program since 1999 when he was a supervisor. Chief Hayes-White mentioned a list of their current partners in the City whose program they helped build. He commended Director Moyer for her vision and her command staff, particularly Karen Taylor, to implement this program. In just a few weeks, the Port will begin deploying four of these simple-to-use machines in places within the Port. He concluded by showing how easy the machines are to work. He asked Commissioner Hsu for his assistance and quick demonstration. Commissioner Hsu demonstrated the use of the AED. On behalf of the chief and the entire Fire Department, Dr. Isaacs welcomed the Port to their family of public access defibrillation sites in San Francisco. The Mayor is thrilled to know that the Port is involved in this important public safety enhancement not only for the travelers but for the employees and visitors and life saved by implementing such a program may be our own.

Ms. Moyer thanked the Chief and Dr. Isaacs for their important tutelage in this area. There are Port tenants including AMB who already have privately installed defibrillators.

Having been a heart attack victim, Ernestine Weiss recommended that the Port acquire defibrillators a long time ago. She was also instrumental in having the defibrillators installed at the Sheriff's office as well as Rec & Park. They are valuable and relatively inexpensive.

- C. Informational Presentation by the San Francisco Office of Emergency Services regarding the Siren Program. **THIS ITEM WAS NOT HEARD.**

4. PLANNING & DEVELOPMENT

- A. Informational Presentation regarding the Ferry Building Area /Ferry Terminal Planning. (No Action Required)

Kari Kilstrom, Planning & Development, indicated that staff will initiate a collaborative planning process to develop a ferry building area/downtown ferry terminal plan. It would include properties under the Port's jurisdiction from Pier ½ parking lot, extending south to include the Ferry Building, the Agriculture Building and the downtown ferry terminal improvements, Gates B and E as well as the entire ferry plaza platform and the Pier 14 public access pier. On the west side of the Embarcadero, it will include SWL 351 at Washington Street, the other Ferry Building parking lot. The Port anticipates utilizing as-needed consulting services to support the planning process and will draw upon funding received through Prop K, the half-cent local transportation sales tax program passed by San Francisco voters in November 2004. Prop K included a \$5 million allocation to further plan and implement improvements to the Downtown Ferry Terminal area at the Ferry Building.

This area has undergone dramatic change in the last decade. As a result, the Ferry Building area has become a major destination point for locals and visitors. There are even more improvements that are in store for the area which in part are prompting the need for Port staff to do further area planning. There are several key stakeholders and public facilities that are directly affected by future development within the plan area.

BART: BART's transbay tube between Oakland and San Francisco was built in the 1960s and terminates right at the downtown ferry terminal platform. BART has plans to design seismic upgrades to the tube including joints and vent systems on the San Francisco side. As the Port engages with its tenants and other stakeholders around the platform, BART will also join the discussion as they learn more about the scope and timing for the project. Ultimately, the Port's long-term plans for the ferry terminal and platform will in turn inform BART's final construction plans.

Downtown ferry terminal. The Port in the late 1990s secured \$17 million in grants and capital funds and prepared an overall concept plan for the downtown ferry terminal and constructed phase 1, the initial set of improvements, which consists of Gates B & E and Pier 14 breakwater and public access pier. When BCDC issued its permit for

phase 1, they also expressed concerns about the way in which public access would be improved and expanded as part of future phases of construction. BCDC will also be included in the area planning process in order to address their concerns in collaboration with the other stakeholders in the area.

Water Transit Authority (WTA) received funding in November 2004 to implement its regional objectives for operating a comprehensive bay area water transit system. This year, WTA will be examining alternatives for expanding ferry services at the Port of San Francisco because this is the regional hub of the system. WTA may also contribute to the consultant analysis during the planning effort particularly in areas related to intermodal transit, water transit and passenger amenities.

The Golden Gate Bridge district has a long standing presence at the downtown ferry terminal serving almost 2 million passengers and ferries between Marin and San Francisco. Golden Gate will be a key participant in the planning effort particularly for examining possible future configurations for berthing and passenger amenities on the platform.

Port tenants. There are other long-term tenants that have major investments in the area. The Ferry Equity Office Properties manages the Ferry Building as well as the ferry plaza area for the farmer's market as well as two parking lots that serve the market place customers at Pier ½ and SWL 351. The Ferry Plaza Limited Partners with its subtenants, the World Trade Club, are centrally located on the ferry platform. These tenants and others around the Agriculture Building will all be interested in future improvements in this area particularly in the establishment of a stable parking resources for their businesses.

As to the plan, the Port will begin the planning process in the next couple of months and will begin by establishing goals and objectives with the key stakeholders and public agencies involved. Kari Kilstrom will be working closely with Dan Hodapp, the Port' Senior Planner and representative of the WDAC, instrumental in securing the Prop K funding for this planning process. Although this project is in its preliminary stage, staff expects the plan to address land use and redevelopment strategies for the area, transportation, circulation and parking issues and public access. Staff plans to hold workshops, stakeholder meetings, design advisory group meetings and other public informational meetings with the Port Commission as forms for discussion of the plan. Staff's goal is to seek direction from the Commission throughout the planning process so that resulting concept plan may be first supported by the Commission and become a long-range planning tool to implement projects as opportunities arrive.

Ernestine Weiss stated that she loves ferries. It has so many plusses besides being stress reducers. It brings a lot of visitors to the waterfront. She encouraged the Commission to move forward with the program.

Jim Swindler, Golden Gate Ferry Deputy General Manager, thanked Dan Hodapp and other staff for the opportunity to participate in this exciting process. They are interested in the future plans.

5. REAL ESTATE

A. Request retroactive approval of Rent Credits and Assignment of Lease No. L-12664 from Allright Cal, Inc. to Central Parking System, Inc. (Resolution No. 05-22)

Mark Lozovoy, Assistant Deputy Director of Real Estate, indicated that on March 16, 1999, the Port Commission approved Lease No. L-12664 with Allright Cal, Inc. for premises located at Seawall Lots 321, 323 and 324, for use as surface parking lots. This parking lot lease opportunity was originally offered through the Port's competitive bid process. Allright Cal, Inc. was the high bidder and won the rights to a lease for the operation of the parking lots. In addition to the premises defined in the Lease, the Lease also includes an option for the Port to expand if the space north of the Ferry Building becomes available for surface parking operations. This option has been exercised by the Port on several occasions. Two such expansions include expanded parking at Pier ½ to facilitate the development of the Ferry Building and relocating parking from Pier 1 to Pier 3 to accommodate the development of Pier 1.

On October 22, 2004, the Controller's Office Financial Audits Division issued an audit report regarding Lease No. L-12664, which was copied to the Commission. The report cited the Port for improperly issuing (1) \$129,450 in rent credits to Allright as compensation for making improvements to various parking lots, (2) credits for Port parking spaces, and (3) credits for one-half of Allright's payroll expenses related to managing the Pier ½ parking lot.

In addition to the rent credit issues, the audit also cited other findings, which do not require Commission approval. Port staff has been working directly with the tenant to resolve those issues.

Rent Credits for Improvements

The Port issued rent credits of \$68,160 to reimburse Allright for installing electrical fixtures and lighting at Pier 3 and for designing and striping parking stalls. In order to provide safe adequate lighting at Pier 3, the Port issued rent credits totaling \$55,719.50 for installing a new lighting system. The San Francisco Building Code requires installation of the lighting system, which had to be met prior to allowing a public parking on the pier. Because of the challenging time constraints related to the various development projects, the Port's Engineering and Maintenance staffs were unable to commit to a timely "in-house" completion of the project. The Director of Engineering and Maintenance recommended to then Executive Director, Doug Wong, that the Port offer rent credits to Allright to facilitate the installation. Allright agreed and completed the work within three weeks. As a result, the Port was able to deliver Pier 1 to the developer without any delays.

Additionally, the Port issued rent credits totaling \$12,440.50 to Allright for designing and striping parking stalls on Piers ½, 3, and 27/29.

Accordingly, retroactive permission is now requested by Port staff.

Rent Credits for Three Parking Spaces

The Port issued rent credits in the amount of \$14,483 for three reserved parking spaces at Pier ½. The spaces were used by the Executive Director, one Port Commissioner and a Port employee that required a disabled space. The Port issued these rent credits during the period March 2001 through April 5, 2002. The three parking spaces were a substitute for eleven Port parking spaces that were eliminated as part of the Ferry Building development. The Port didn't pay for the eleven parking spaces that were used by various Port management staff and commissioners.

Rent Credits for One-Half of Allright's Payroll Expenses at Pier ½

The Port reimbursed Allright for half of its payroll expenses for operating the expansion parking lot at Pier ½, from May 1, 2000 through April 5, 2002 by issuing \$46,687 in rent credits. In order to provide the most efficient operation, best customer service and maximize revenues, it was determined that Pier ½ should be operated as an assisted valet parking lot. This required additional parking personnel, which was not economically feasible under the percentage rent provision of the Lease requiring Allright to pay 66% of gross receipts to the Port. Port staff negotiated a rent credit with Allright for one half of Allright's payroll expenses for the operation of Pier ½ to make up for the additional labor cost associated with operating a valet lot. The 66% of gross receipts business model is based on parking lots requiring less intensive management and staffing, such as commuter parking lots. After April 5, 2002, Ferry Building Investors began managing the parking lot at Pier ½ and the rent credit ceased.

Port staff issued the rent credits with the approval of the Port's then Executive Director, Doug Wong, however without obtaining the appropriate approvals from the Port Commission. In order to comply with the audit, and to correct accounting discrepancies caused by the issuance of the rent credits, Port staff is seeking the Port Commission's retroactive approval of rent credits totaling \$129,450.

The original and currently named lessee on Lease No. L-12664 is Allright Cal, Inc. On September 30, 2001, Allright Cal, Inc. was merged into Central Parking System, Inc. Pursuant to comments cited in the Controller's Audit of the Lease, and as a matter of good business practice, the Lease should have been formally assigned from Allright Cal, Inc. to Central Parking System, Inc. at the time of the merger. In order to correct this oversight, Port staff now intends to formally document the change in entity by way of a Lease Assignment. Pursuant to this resolution, Port staff is seeking approval of an Assignment of Lease from Allright Cal, Inc. to Central Parking System, Inc.

Port staff recommends that the Port Commission approve the retroactive rent credits in the amount of \$129,450 and the Assignment of Lease No. L-12664 from Allright Cal, Inc. to Central Parking System, Inc.

Commissioner Lazarus asked if the audit report was only for this lease and if it is the first in a series. Mr. Lozovoy replied that the Controller's office do an audit by lease. Approximately 4 or 5 leases are currently being audited. Commissioner Lazarus asked if staff expects this sort of finding again. Mr. Lozovoy replied that this was unusual because of the necessity to facilitate the relocations of all the tenants to accommodate the development projects. Things have to be done in a very timely manner.

Ms. Moyer indicated that she knows of one that is pending that has a similar finding. The audit reports are issued by the Controller's office to the attention of the Commission. The audit report was issued in October and it's taken this long to work through the issues to present to the Commission.

Commissioner Hsu asked how the rent credit for the parking spaces was determined. Mr. Lozovoy replied that the Pier ½ lot was leased to Allright. The Port took back the three spaces. The three spaces should have been carved out of the lease instead of issuing rent credit. The company manages those spots to be reserved for the Port at all times.

Commissioner Brandon indicated that at one point there were five spaces at Pier ½. Mr. Lozovoy replied that there probably were more at one time. It boiled down to the Executive Director, the President of the Commission and the disabled spot. Commissioner Hsu indicated that the President of the Commission does not work at Pier 1. Mr. Lozovoy replied that there was always a reserved spot for the Commission. These spaces were for the replacement of the 11 spots that the Port used to have behind the Ferry Building.

Commissioner Hsu asked about the three spaces; Mr. Lozovoy replied that was the minimum number of spots needed. Commissioner Hsu asked if the disabled spot is designated for a certain employee. Mr. Lozovoy replied that spot is designated to a disabled Port employee.

ACTION: Commissioner Hardeman moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor; Resolution No. 05-22 was adopted.

6. ENGINEERING

- A. Request authorization to execute a contract modification to Contract No. 2686, "Maintenance Dredging," with Dutra Dredging Company. (Resolution No. 05-20)

Ken Chu, Project Manager, indicated that every two years, the Port prepares a construction contract for maintenance dredging. The current contract is with Dutra Dredging Company; the term expires at the end of July 2005. This modification is to extend the contract to the end of the year with no increase in contract value. This is for dredging at Pier 80, 94/96 and Islais Creek. The contractor has agreed with the contract modification. HRC has also reviewed and approved the contract modification.

ACTION: Commissioner Hardeman moved approval; Commissioner Brandon seconded the motion. All of the Commissioners were in favor; Resolution No. 05-20 was adopted.

- B. Request to increase the amount of Contract Service Order No. PB-11 with Parsons, Brinckerhoff, Quade and Douglas, Inc. by \$145,000 to provide professional engineering services in support of Contract No. 2680, Illinois Street Intermodal Bridge. (Resolution No. 05-21)

Kathy Nakazawa, Project Manager, indicated that all contract orders in excess of \$75,000 under the as-needed contracts require Commission approval prior to being awarded. There are insufficient Port and City staff to manage, administer and perform the required inspections under Contract 2860. As such, staff has secured the services of technical specialists through the existing as-needed contract. She asked the Commission for authorization to increase the amount by \$145,000 which will be paid out of the project budget. The services required will be for a full-time person who will assist in the contract administration in the form of construction inspections. The services will be through December 2005 at which point, most of the bridge should be constructed and Port staff should be able to take over at that point.

ACTION: Commissioner Lazarus moved approval; Commissioner Brandon seconded the motion. All of the Commissioners were in favor; Resolution No. 05-21 was adopted.

- C. Informational Presentation: Use of Port Right of Way. (No Action Required)

Brad Benson, Special Projects Manager, indicated that the Port Real Estate, Engineering, and Planning and Development staff have been meeting since fall of 2004 to research and recommend policy options for Port Commission's consideration related to public access to Port right of way that pertains to Herb Caen Way and sidewalks under Port jurisdiction. Since the waterfront has become a popular destination for both San Franciscans and visitors, there is an increasing use of the right of way. With the increasing use and with that success come increasing conflicts between the different uses. The three main issues are:

1. The use of Herb Caen Way by pedestrians and other non-motorized traffic; Herb Caen Way extends 2 miles alongside The Embarcadero from China Basin to Pier 35, with Jefferson Street extending the pedestrian route to Fisherman's Wharf. Current non-motorized traffic on Herb Caen Way includes pedestrians, recreational cyclists, skateboarders, scooters, and rollerbladers. Traffic is heaviest on weekend days. Port staff were concerned about this and lack of signage to direct that behavior and started its research and the legal issues that apply. In researching the Commission minutes, it appears that the Herb Caen Way is not legally designated as a sidewalk. It's legal definition is it's a marginal wharf that dates back to its prior maritime/industrial use. The regulation of sidewalks is governed by both State law and local law. State law grants fairly broad powers to local jurisdictions to regulate the behavior on sidewalks. San Francisco's Traffic Code Section 100 prohibits

bicycling on sidewalks in the City. That prohibition extends to people who are 13 or older. Kids can travel on certain sidewalks on certain types of bikes in the City. The local traffic code section does not apply to Herb Caen Way. There are certain modes of travel that could be prohibited. In the past, the Port has posted signs prohibiting skateboarding on Port property.

Port staff proposes to conduct outreach regarding the designation of Herb Caen Way to the following groups: Walk San Francisco, Senior Action Network, SF Bike Coalition, SPUR, and Port advisory groups.

No data exists regarding the number of pedestrians and bicyclists who use Herb Caen Way. Research that would inform a future policy discussion by the Port Commission includes:

- A. A traffic engineering analysis of Herb Caen Way, including identification of obstacles to the path of travel along the facility;
- B. A review of traffic safety literature regarding conflicts between pedestrians and other non-motorized traffic; and
- C. A review of the performance of other multi-modal facilities such as the Golden Gate Bridge and sections of Crissy Field multi-modal pathway under the jurisdiction of the Golden Gate National Recreation Area.

With the involvement of interested constituents, Port staff will seek assistance conducting such research from the Mayor's Office on Disability, the San Francisco Department of Parking and Traffic and/or the San Francisco County Transportation Authority.

2. Sidewalk Encroachment for restaurants and merchandise. Port tenants and other business operators frequently use the sidewalk for either tables and chairs and outdoor dining to display merchandise. The Port currently manages that use through lease amendments or lease provisions.

This approach has proven effective where the Port has an existing lease with a tenant who wants to utilize adjoining sidewalk space, including restaurants that operate crab pots or place tables and chairs outdoors for dining. This approach does not fit the circumstances on the south side of Jefferson Street, where the Port has jurisdiction over the sidewalk up to the building line, but does not own the adjacent building.

The City has adopted a regulatory method through its Department of Public Works to grant permits for these types of sidewalk encroachments. There is a standardized permit application form. There is a fee established that covers the cost of processing the permit and there are DPW inspectors who look at various sites and measures that the ADA path of travel has not been obstructed in any way. The policy option

for the Port could be establishing permitting mechanism for sidewalk encroachments including continuing uses of leases and licenses to define permitted encroachment, adoption of all or a portion of the City's Public Works Code for all or portions of property under Port jurisdiction or a combination of both methods so we can continue to use the lease or licensing mechanism for the purpose of obtaining revenue but use DPW's mechanism for purposes of ensuring ADA path of travel. Staff will do outreach to Port advisory groups on this matter, research about how other jurisdictions manage this type of use and talk to the Mayor's office of disability.

3. Street Performers. There are a lot of people who want to entertain on Port property. The Port currently does not have a mechanism for permitting or licensing that activity. There is a demand by both street artist vendors who sell their artwork and for performers to arrive at a formalized mechanism. The Port studied this issue in depth in the early 1980s and attached to the staff report is the street performers task force recommendations to the Port Commission at the time. Things have evolved since then mainly the court's interpretations of the First Amendment have evolved over time. It's difficult for a public agency to restrict free speech activities on public property. The only apparent method to look at choosing locations that would otherwise regulate this activity on Port property has to do with the sale of merchandise. The City has an established Street Artist Vendor licensing program through the Arts Commission and Port staff is looking at the possibility of tapping into that program. The other issue is amplified sound related to these performances. There may be areas where that is appropriate or not appropriate on Port property.

Mr. Benson indicated that Supervisor Alioto-Pier is very interested in this issue and wants to provide assistance to the Port in solving the problem.

Commissioner Hardeman commented that the City is becoming so bicycle friendly that it will be a difficult situation if the Port starts restricting bicycles on Herb Caen Way. Staff needs to work with them.

Ernestine Weiss indicated that this is a very timely discussion because the Board of Supervisors is just hearing changes in Traffic Code 100 to allow people to skate all day in residential areas and commercial areas at night. People in San Francisco do not even know how to walk on a sidewalk. People on mobile vehicles should not be allowed on sidewalks where there are seniors, blind, disabled and kids in strollers walking with their parents. She asked and the Port provided signs prohibiting skateboarders on the sidewalks. The Port has to post signs prohibiting bicyclists. There are bicycle lanes in the City and they should use them, not the sidewalks. The Embarcadero plaza is full of bicyclists jumping off the light fixtures. She spoke to the Police Department and they got rid of them at Pier 7. They should not be allowed on the sidewalks and Herb Caen Way should be declared a sidewalk.

Glen Morgan, street performer at Fisherman's Wharf, encouraged the Commission to consider sound designated areas for sound producing musicians. They are working with Supervisor Alioto-Pier and the Entertainment Commission. They would like to come to some resolution that works for everybody because they contribute to the environment and atmosphere for the tourists at Fisherman's Wharf.

Don Garrett musician since 1964 supports the performers on the street and the Commission's consideration for permitting their activity or whatever it would take. Everyone's willing to cooperate. It's his observation that people abroad just don't come to San Francisco to go to another chocolate or t-shirt shop. When Ghirardelli closed down, visitors from Australia inquired about the performers and reinstated the program. The bushman drew more people than some of the vendors. Musicians may or may not draw crowds. Some of them are still hanging on a thread. He asked the Commission to consider their situation.

Daryl Johnson indicated that he's been in the City since 1993, served 20 years in the military. He stayed in this area because of its festive atmosphere, the surroundings, the musicians, the street performers, and the holiday festivities regardless of the weather condition or bad events. Personally, he believes that all the street performers and musicians have showed their dedication continuously through the whole ordeal of musicians being cited and other demeanor to break the stride with the performers and musicians. He asked the Commission to consider granting some spaces so they can have a legal and safe environment to continue entertaining the visitors and provide livelihood for themselves. He is living the American dream. He has served the country for 20 years and is now afforded the opportunity to do what he wants to do in life i.e. to be an entrepreneur, a saxophonist and an entertainer and be paid for. He asked the Commission to consider spaces as well as permits.

Commissioner Hardeman indicated that when he was in New Orleans a couple of months ago, he observed that there were more musicians on the street than we have in the City. He asked Mr. Benson if he knew the street performer regulations in New Orleans because it was entertaining to listen to the musicians while walking through the French Quarter. Mr. Benson replied that he does not know the regulations but will check into it and report back to the Commission. Commissioner Hardeman would be inclined to set whatever timeline is needed and he empathizes with the musicians because music is very important. On another note, he indicated that the electric and gas scooters do not belong on sidewalks because they are dangerous not only to the riders but to the pedestrians.

Commissioner Hsu commented that he does not believe that any moving vehicle, motorized or not, should mix with people. Street performers are terrific. People walking, stopping, wandering and doing whatever is relaxing may not be paying attention to the cars because there are no cars but there are bicycles. They are more dangerous than cars most of the time. Bicyclists in this City is different. They use the sidewalks, the street and bike lanes. They go back and forth and they don't obey any laws of traffic whatsoever. They use crosswalks without any regard for stop signs or red lights. They don't mix with people on the sidewalks. He would be extremely

concerned to allow any moving vehicles on the sidewalk that is designated for the enjoyment of the general public.

Mr. Benson replied that staff hears all those comments and staff will come back with policy recommendation for the Commission's discussion and consideration at a future meeting.

Stephen Dryfuss, 20-year resident of San Francisco has been earning a living for the 15 years as a street performer at Fisherman's Wharf. He asked for the Commission's support for street performers and musicians for the sanctioning of designated sound areas where musicians can play and perform and sell their recordings. These areas are mostly in proximity to the triangle parking lot which runs from Jefferson to Taylor Street to Mason and the Embarcadero and various areas throughout the City. Street musicians, variety shows, jugglers and mimes have been using these areas for decades. They feel that they are being pushed off by commercial developments and land grabs by various groups. They have no other place to play. They used to play all over the City. They used to play in Union Square. They have been working with the Entertainment Commission and the Board of Supervisors for several years and they have been attempting to gain parity with the souvenir vendors and members of the street artists program but they have been losing the battle. He requested that the Commission consider their request. They have a display of 14 pages of maps that are found in the street artist program but they have no space that they are legally allowed to play. They have been arrested, thrown in jail, given multiple tickets. He asked the Commission to provide them a sound designated area.

John Art, resident of the City and performer at Fisherman's Wharf, indicated that lately it has been a burden to play out there because they get harassed and pushed off. He enjoys playing on the wharf. It is one of the most visited places in the world. It is a positive thing for the tourism industry. He asked for the Commission's consideration.

7. NEW BUSINESS / AGENDA SETTING

Ms. Moyer indicated that unfortunately, we did not have the presentation on the siren program because no one from the Office of Emergency Services showed up. We'll follow up on it and we'll reschedule it at a future meeting. It's a very important program that OES has underway. The sirens all over the City and particularly the Ferry Building have been upgraded. It's an important message that should get out. The sirens in addition to just being that noise that they have been for decades can now also be voice activated. In the event of an emergency, the Chief of Police, the Mayor, or anybody can come and give specific instructions that can be disbursed Citywide or in a specific region. It's a very important enhancement to the City's overall emergency preparedness and the Port's emergency preparedness. The sirens are being tested citywide on a weekly basis which is Tuesdays at noon. Another aspect of the message that she had hope the OES would present was not to be alarmed when it's Tuesday at noon.

Likewise, Jared Blumenfeld, the Director of the Department on the Environment will speak at the next Commission meeting regarding World Environment Day. The Port will be using some of its properties with respect to that important day.

As promised at the last meeting, EDAW will seek Commission's approval regarding sponsorship of their internship program. The Port hopes to contribute some money toward this important endeavor. Staff continues to work on a couple of policies, the Records Retention Policy which is a statutory requirement of the City. It turns out that the Port has not filed a records retention policy the last couple of years. The Leasing Procedure Policy and a New Rental Rate Schedule are also coming up in the horizon. On April 12 at 5:30 p.m., staff will be making a presentation to the public regarding the Annual Report of the Port of San Francisco. She invited the Commission to attend, although not obligated to stay.

Commissioner Hardeman commented that it's nice to have the sirens but he really misses the foghorns. The foghorn is his favorite memory of a sound as well as the streetcars while growing up on 35th Avenue.

8. PUBLIC COMMENT

Bud Wilson, Veterans Affairs Commission, indicated that the Commission has indicated their support for the relocation of the USS Iowa. They need a commitment and an enthusiasm to make this happen more promptly. There is some delay in designating a pier for this ship. He wrote a letter to the Mayor's office and he hopes to have an opportunity to talk to him about it. He wrote, "Unfortunately the transfer of the battleship USS Iowa is presently being delayed since the City has yet to designate a pier assignment for the ship." A number of piers have been considered. Any one of which could be made available to the ship without further delay. He wanted to make sure that everyone understands that without a pier being designated or made available to the ship, they stand a good chance of losing the ship to other cities. A number of other cities have come to the picture and they are bidding for the ship. There is no apparent reason for the City to continue delaying the transfer of the battleship Iowa to San Francisco. Therefore, he asked the Mayor to issue a resolution designating the Port of San Francisco as the most desirable location for the battleship Iowa. This would constitute a formal request from the City for the battleship Iowa to be relocated in San Francisco. The Port authorities would then be able to designate a pier assignment for the Iowa as required by the Navy. This action would allow the actual transfer to begin without further delay. There's nothing to preclude this Commission or the Port authority or the director to recommend a pier for the Mayor to designate. This would expedite the process. He respectfully request the Port's enthusiastic support.

Russ Farnell, Historic Ships Memorial at Pacific Square, indicated that their committee is still active, growing and moving. Mr. Wilson expressed a lot of their thoughts. Their members have been able to visit other ships around the country and in the bay area to compare notes, get information, etc. They are still continuing on a letter writing campaign and calling on the Senators and representatives in Washington and Mayor Newsom.

William Stephens, HSMPS, indicated that there is competition. They have hired economic research associates and completed their initial survey of the probability of successfully

relocating a ship to a regional port north of here. That study is done and it bars them from using that company for any other additional research. They are going to outsource their research to an East Coast firm at a higher cost. They have a cost increase because of the delay. There is competition in addition to that port. The governor of another state is inquiring after a battleship. Noise to the legislation on the hill finished. They expect new legislation to come forward imminently which will clear the ship for designation in 2007 as a memorial museum. This is reality. That ship is going to become available and this city should be prepared for it. This is a public trust for the people of California. The Commission needs to look at the economics of running the port and its revenue generating capability. To not do so is to fail the trust. Looking at the capital ships around the country, they are generating over a quarter million worth of revenue annually. The Midway in San Diego which the port hesitantly accepted has been an enormous success. The Port of San Francisco stands to gain over \$500,000 a year. He's heard stories of pier inaccessibility, lack of pier space. That is a failure of conceptual, imaginative, creative, business-like orientation. They can engineer these piers. Pier 35 has been approved by the Navy. It can take the Iowa once it's free. Pier 33 can be engineered out. When he testified many months ago to save Pier 27 for historic ships berthing, the Port rewrote the contract as a result. Mills Corporation does not object to the Iowa being there. The ball is in the Port's court. It is the Commission's call. Pier 30/32 is currently available until the cruise ship terminal becomes a reality. The bollards are bad but they will fix the pier. Their engineers have looked at Pier 48. They could put several ships there. They can fix that pier and take the Iowa opposite the ballpark. Pier 50/54, those can be engineered out. They will pay for the engineering costs and for the upgrades of the crumbling infrastructure. Next month, they will go to Iowa and talk to the people there who have a vested interest and would like to know how the State of California is going to receive their ship.

Merylin Wong, HSMPS, indicated that she received a call from the Mayor's office informing her that the best contact on all matters relating to the USS Iowa is the Port of San Francisco. She commented on two items alluded to by the Commission at the last meeting. First, the combination of the prefix anti and the word military and second how the project will be financed. Opposing or hostility being against something, against an opinion, sympathy or a practice of or pertaining to arms, soldiers, the war from a sea service perspective of the armed services, perhaps by military. They are referring to the Navy, Coast Guard, Marines and Merchant Marines. Could one oppose USS Iowa currently financed by taxpayers in a new dignified role as a revenue generating asset and educational tool? How might one oppose the Coast Guard who ensures the safety of our ports and who will revenue Iowa's mooring plan? How might we be opposed to the USS Merchant Marine, MARAD who currently maintains the USS Iowa and is one of the most reliable tenants of the port? Every year, our City commemorates and honors our soldiers and our sailors on Memorial Day through the Mayor's ceremony and Veterans Day through the Mayor's parade. Additionally, we salute those who serve during our Annual Fleet Week. How could one oppose who gave away their tomorrows for our today? During public comment on January 25, she testified that the transfer of the ship to a non-profit will occur as-is, where is without cost to the government. The projected earliest availability for donation is seven months away, October 2005. The award and delivery date is 2007. Soon after that date, they will submit to the Navy a statement including a summary of sources, and amounts of annual income, estimated annual expenditures, port rent and estimated cost for upkeep of the ship. This project will be financed through a variety of means including

grants, gifts, donations, leases, endowments and possibly loans. Should they rely on commitments of donated services and materials, such commitments will be described. Agreements and pledges may be used to support and will be accepted by the Navy as evidence of funding. She provided the Commission a letter describing in detail the nature of their fundraising efforts.

Ernestine Weiss supports the Iowa. Mr. Stephens said it all and haste is the issue here before somebody else grabs it. The other issue was the colorful musicians. We do need another pep in this City. There's nothing here that lifts the spirits of visitors and residents who walk the streets of the port promenade. She also misses the music coming from the Ferry Building. She asked what happened to the beautiful recorded music.

9. EXECUTIVE SESSION

- A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.

ACTION: Commissioner Hardeman moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor.

At 4:45 p.m., the Commissioners convened in executive session to discuss the following:

B. CLOSED SESSION

- (1) PUBLIC EMPLOYEE APPOINTMENT. This matter is specifically authorized under California Government Code Section 54957.

- a. Confirmation of Appointment of Director of Real Estate

- (2) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTERS. (Discussion and/or Action Item)

- a. Discuss existing litigation matters pursuant to Section (a) of California Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (3 cases):

- Yuen Kiu Low v. City and County of San Francisco; San Francisco Superior Court Case No. 429325, filed May 4, 2004.
- Alioto Fish Company, Ltd. v. City & County of San Francisco, San Francisco Port Commission, SF Superior Court Case No. OGC-04-436825. **THIS ITEM WAS TAKEN OFF THE CALENDAR.**
- In re Pacific Gas and Electric Company, United States Bankruptcy Court, Northern District of California, San Francisco; Case No. 01 30923 DM.

- (3) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.

*This session is closed to any non-City/Port representative.**

- a. Property: Pier 15 and 17 (at Embarcadero)
Person Negotiating: Port: Byron Rhett, Director of Planning & Development
*Exploratorium: Dr. Goéry Delacôte
- b. Property: 817 Terry Francois Blvd.
Person Negotiating: Port: Mark Lozovoy, Assistant Deputy Director of Real Estate
*Kelly's Mission Rock: James Kelly

10. RECONVENE IN OPEN SESSION

ACTION: Commissioner Hardeman moved approval; Commissioner Brandon seconded the motion. All of the Commissioners were in favor.

ACTION: Commissioner Hardeman moved approval to disclose that the Port Commission approved the appointment of Mirian Saez as Deputy Director of Real Estate; Commissioner Brandon seconded the motion. All of the Commissioners were in favor.

ACTION: Commissioner Brandon moved approval to disclose that the Port Commission approved the settlement of litigation in the case of Low v. City & County of San Francisco, as disclosed in the agenda. Commissioner Lazarus seconded the motion. Three of the Commissioners were in favor with Commissioner Hardeman dissenting.

ACTION: Commissioner Hardeman moved approval to not disclose any other information discussed in executive session; Commissioner Brandon seconded the motion. All of the Commissioners were in favor.

11. COMMUNICATIONS

12. ADJOURNMENT

ACTION: Commissioner Hardeman moved approval to adjourn the meeting; Commissioner Brandon seconded the motion. All of the Commissioners were in favor.

Commissioner Hsu adjourned the meeting at 6:50 p.m.

SAN FRANCISCO PORT COMMISSION

Wilfred Hsu, President
Michael Hardeman, Vice President
Kimberly Brandon, Commissioner
Sue Bierman, Commissioner
Ann Lazarus, Commissioner

Monique Moyer, Executive Director
Phone: 415-274-0400; Fax: 415-274-0412

Amy Quesada, Commission Secretary
Phone: 415-274-0406; Fax: 415-274-0412

AGENDA

REGULAR MEETING

3:00 P.M., TUESDAY, APRIL 12, 2005

**PORT COMMISSION HEARING ROOM, SECOND FLOOR
FERRY BUILDING, SAN FRANCISCO, CA 94111**

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk.

1. **CALL TO ORDER / ROLL CALL**

DOCUMENTS DEPT.

2. **APPROVAL OF MINUTES** - March 8, 2005 Special Meeting
March 22, 2005 Meeting

APR - 8 2005

SAN FRANCISCO
PUBLIC LIBRARY

3. **EXECUTIVE**

04-03-97 PIER 1

A. Executive Director's Report

- Annual Report of the Port of San Francisco: April 12, 2005 at 5:30 p.m.
- AAPA Commissioners Seminar: May 18 to 20, 2005
- Cancellation of the Port Commission Meeting: May 24, 2005

B. Informational Presentation by the San Francisco Department of the Environment regarding World Environment Day.

4. **CONSENT**

- A. Request authorization to award a professional services contract to Keyser Marston Associates to evaluate the economic feasibility of the Pier 90-94 Backlands development concepts. (Resolution No. 05-23)

- B. Request authorization to increase the professional services contract by \$35,000 with Environ International Corporation for a feasibility study of shoreside power and alternative air emission technologies for cruise ships berthed at the James R. Herman International Cruise Terminal at Pier 30-32 for a total amount not-to-exceed \$85,000. (Resolution No. 05-24)

5. PLANNING & DEVELOPMENT

- A. Request approval of Port co-sponsorship with SPUR of the EDAW Internship Program (EIP), as part of World Environment Day, with a focus on Pier 70, and approval of request to provide funding to partially support the EIP. (Resolution No. 05-25)

6. REAL ESTATE

- A. Request approval of lease for surface parking between the Port and Central Parking System, Inc., at Seawall Lots 314, located at the Embarcadero, between Bay and Kearny Streets. (Resolution No.05-26)

7. NEW BUSINESS / AGENDA SETTING

- ◆ New Business
- ◆ Agenda Setting (Targeted Commission meeting, subject to change)
 - Informational Presentation by the San Francisco Public Utilities Commission regarding the San Francisco Electric Reliability Project (Peaker Plant) (April 26, 2005)
 - Request approval of Records Retention Policy (April 26, 2005)
 - Request approval to issue Request For Proposals for Port janitorial services (April 26, 2005)
 - Request approval of contract modification to Contract No. 2693 Amador Street improvements (April 26, 2005)
 - Request approval of Memorandum of Understanding between the Port and the Department of Parking & Traffic for tow yard operations at Seawall Lot 349, at Illinois Street between 20th and 22nd Streets. (May 10, 2005)
 - Request approval of lease with Literacy for Environmental Justice at Pier 98 (May 10, 2005)
 - Request approval of Rental Rate Schedule (May 10, 2005)
 - Request approval of Parking Stall Rates for 2005-06 (May 10, 2005)
 - Informational presentation of Port Leasing Procedure Policy (June 14, 2005)
 - Request approval of Hyde Street Harbor/Fisherman's Wharf Harbor Berth rate increases for 2005-06 (June 14, 2005)

8. PUBLIC COMMENT

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during New

Business/Public Comment. A member of the public has up to three minutes to make pertinent public comments before action is taken on any agenda item and during the new business/public comment period. It is strongly recommended that public comments be submitted in writing so they can be distributed to the Commissioners for their review. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 274-0406.

9. EXECUTIVE SESSION

A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.

B. CLOSED SESSION

(1) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.

*This session is closed to any non-City/Port representative.**

- a. Property: Pier 15 and 17 (at Embarcadero)
Person Negotiating: Port: Byron Rhett, Director of Planning & Development
*Exploratorium: Dr. Goéry Delacôte

Under Negotiation: _____ Price _____ Terms of Payment X Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 15 and 17.

- b. Property: Pier 70
Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate
*Dept of Parking & Traffic: Stuart Sunshine

Under Negotiation: _____ Price _____ Terms of Payment X Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 70.

10. RECONVENE IN OPEN SESSION

A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

11. COMMUNICATIONS

Communications to the Port Commission received from March 17, 2005 to April 7, 2005:

- From Port Staff, Accounts Receivable, Monthly Sales & Rent Report and Refunds & Allowances
- From Bud Wilson, Member of the Veteran's Affairs Commission, regarding the USS Iowa
- From Merylin Wong, Historic Ships Memorial at Pacific Square, regarding the USS Iowa
- From Potrero Boosters Neighborhood Association, regarding the Potrero Community Voice
- From Bay Planning Coalition, invitation to the 18th Annual San Francisco Bay Decisionmakers Conference on May 24, 2005

12. ADJOURNMENT

APRIL 2005
CALENDAR OF UPCOMING PORT MEETINGS - OPEN TO THE PUBLIC

| Date | Time | Group | Location |
|-------------|-------------|-----------------|--|
| April 12 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |
| April 12 | 5:30 p.m. | Port | Port Commission Room @ Ferry Building |
| April 26 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |

NOTES:

The San Francisco Port Commission meets regularly on the 2nd and 4th Tuesday of the month at 3:00 p.m., unless otherwise noticed. *The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com.* Contact Amy Quesada at 274-0406.

The Cruise Terminal Environmental Advisory Committee generally meets the third week of each month. Date and time to be determined. Contact Michael Nerney at 274-0416.

The Environmental Quality Advisory Committee (EQAC) meets regularly on the fourth Thursday of the month at 9:00 a.m. at Scoma's Restaurant, Pier 47 @ Fisherman's Wharf. Contact Jay Ach @ 274-0562.

The Fisherman's Wharf Waterfront Advisory Group meets regularly on the 3rd Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Kirk Bennett @ 274-0545.

The Maritime Commerce Advisory Committee (MCAC) meets on a bi-monthly basis, on the third Thursday of the month, from 11:30 a.m. to 1:30 p.m. @ Pier 1. Contact Jill Rodby @ 274-0519.

The Mission Bay CAC meets regularly on the 2nd Thursday of the month, from 5:30 to 7:30 p.m. at the Mission Bay Visitor Center (255 Channel Street). Contact Tom Evans, Redevelopment Agency, at 749-2539 or tom.evans@sfgov.org for more information.

The Northeast Waterfront Advisory Group meets regularly on the 1st Wednesday of the month at 4:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Kirk Bennett @ 274-0545.

The Central Waterfront Advisory Group meets monthly on an as-needed basis generally on the 3rd Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 705-8674 or via email @ Mark_Paez@sfport.com.

The Rincon Point-South Beach CAC meets regularly on the 3rd Monday of the month, from 5:00-7:00 p.m. at the South Beach Yacht Club (Pier 40 on The Embarcadero). Contact Tom Evans, Redevelopment Agency, at 749-2539 or tom.evans@sfgov.org for more information.

The Southern Waterfront Advisory Committee (SWAC) meets every last Wednesday of the month from 6:15 to 8:15 p.m. Location to be determined. Contact David Beaupre @ 274-0539 or david_beaupre@sfport.com.

The Waterfront Design Advisory Committee meets jointly with BCDC's Design Review Board on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. or the Committee meets as needed on the 3rd Tuesday of the month from 11 a.m. to 1 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 274-0625.

The Port Permit Appeals Committee meets regularly on the first Thursday of June and December of the year. For further information contact Ed Byrne at 274-0570 or Dan Hodapp at 274-0625.

ACCESSIBLE MEETING INFORMATION

Ferry Building: The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots:

- A) 3 spaces in the surface lot on the west side of the Embarcadero at Washington St.
- B) 3 spaces in the Pier 1/2 lot, located on the east side of the Embarcadero between the Ferry Building and Pier 1. During business hours this lot is operated by valets.
- C) Hourly and valet parking in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa.

Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington St., Folsom St. & Drumm St.

Pier 1:

The Port's fully accessible offices are in the west end of Pier 1. There are two public entrances; the main entrance on the west (Embarcadero), and the Port History walk entrance on the south apron. Each of these entrances is provided with an automatically operated door. Both entrances lead to the Bayside conference rooms. Accessible public restrooms, drinking fountains, payphone and TTY are on the first floor near the main entrance. The public spaces of the Port's offices are equipped with remote infrared signage (Talking Signs) identifying all primary entrances, paths of travel, meeting rooms and amenities. Accessible seating areas and assistive listening devices will be available in the Bayside Conference rooms.

Accessible meeting information policy:

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals. A sign language interpreter and alternative format copies of meeting agendas and other materials can be provided upon request made at least 72 hours in advance of any scheduled meeting. Contact John Scott, Port's ADA Coordinator, at 274-0571. The Port's TTY number is (415) 274-0587.

Know Your Rights Under the Sunshine Ordinance. Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Castro by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine/>

Lobbyist Registration and Reporting Requirements. Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.



MEMORANDUM

April 5, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon
Hon. Sue Bierman
Hon. Ann Lazarus

FROM: Monique Moyer
Executive Director *M Moyer*

SUBJECT: Authorization to award a professional services contract to evaluate the economic feasibility of the Pier 90-94 Backlands development concepts.

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT WITH KEYSER MARSTON ASSOCIATES TO EVALUATE THE ECONOMIC FEASIBILITY OF THE PIER 90-94 BACKLANDS DEVELOPMENT CONCEPTS IN AN AMOUNT NOT-TO-EXCEED \$83,000 FOR PHASE 1 ANALYSIS.

Background

On September 17, 1999, Port staff issued a Request for Qualifications ("RFQ") to teams of consultants with multidisciplinary expertise to provide consulting services for waterfront planning and development projects. Through a competitive evaluation process, six firms were pre-qualified for future contracting work for the Port. Since then, the Port has sought proposals from, and contracted with, these pre-qualified consulting teams for certain planning and development projects on an as-needed basis. Utilizing this process, Port staff issued a Request for Proposals ("RFP") to these pre-qualified consulting teams on February 29, 2005 requesting economic consulting services to evaluate the feasibility of the Pier 90-94 Backlands Project.

The Pier 90-94 Backlands development site ("Backlands Site") is an approximately 44 acre area located south and upland of Islais Creek, within the Port's 278 acre Pier 80-96 Maritime complex (*Attachment A*). It is surrounded by the Port's modern cargo terminals at Piers 80, 92, and 94-96, which currently handle primarily bulk, break bulk and other non-container cargoes, and the Port's freight rail facilities. Development of the Backlands Site, like the surrounding area, must be

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consistent with the Burton Act and the Public Trust Doctrine, and may be subject to oversight by the State Lands Commission regarding public trust consistency. New development also will require new supporting infrastructure and utility systems that must be integrated with existing facilities. The overall objective of the development of the Backlands Site is to effect long-term, economically feasible improvements that enhance the Port's marketing efforts for the Piers 80-96 Maritime Complex, in a manner that also addresses environmental justice concerns of the Bayview Hunters Point and surrounding community.

While there is general community support for continuing maritime-related uses, the lack of physical improvements, and negative impacts or perceptions associated with some interim-term businesses have generated community concerns calling for further planning. In March 2003, the Port initiated a public planning process to produce a development strategy for the Piers 90-94 Backlands. In March 2004, after several public meetings and workshops, the Port presented draft development concepts for the Pier 90-94 Backlands. Possible development concepts may include up to 1,000,000 square feet of warehouse or industry space, with an incidental amount of commercial space.

Based on general development concepts, the Port intends to test the feasibility of these various concepts given the public trust and market constraints prior to consideration of issuance of a RFP for development of the Backlands site. Parsons Brinckerhoff, under a separate Port contract, is currently conducting a review of the physical site conditions and is analyzing the potential cost estimates of infrastructure improvements required to support development of the Backlands site.

Selection Process

In response to the RFP for a feasibility evaluation concerning the Pier 90-94 Backlands Project, the Port received proposals from two candidates. Keyser Marston Associates and Sedway/CB Richard Ellis. The Planning and Development staff formed a five-member panel to review the written proposals and interviewed the two consultant team candidates on March 24. Staff then requested additional information to clarify the proposals. This information was submitted by March 31.

The review panel scored the consultants based on RFP criteria that included: 1) experience, 2) staff qualifications, 3) technical approach, and 4) project management. The panel assigned a higher score to the proposal from the Keyser Marston team, with the following scores: Keyser Marston, 468 points, and Sedway/CBRE, 356 points. Keyser Marston scored higher than the Sedway/CBRE due to:

- 1) recent experience with very similar project assignments, including maritime demand analysis for the Port of Sacramento and the maritime marketing study for the Port of Vancouver;
- 2) proposed team members with a breadth of experience in defining potential maritime-related and trade-related land uses that may be compatible for the Backlands; and

- 3) a technical approach focused on the complexities of the entitlement issues with respect to the public trust constraints and demonstrating a problem-solving strategy to identify a development project that should have economic, financial, and entitlement feasibility, and

Keyser Marston's fee proposal represents a time and materials approach with a not-to-exceed fee of \$83,000 for the initial phase of work. Sedway/CBRE proposed a fixed fee of \$66,000 for Phase 1.

Keyser Marston Team

The Port has retained Keyser Marston Associates (KMA) on prior Port public-private development projects, including the Ferry Building and Piers 1 ½-5. KMA has also completed assignments for other ports, including assisting in the preparation of a maritime market demand analysis for the Port of Sacramento, advising on developer solicitation and proposal evaluation on the Oak to Ninth District Properties for the Port of Oakland, and providing financial evaluation of the leases at Dana Point Harbor with Orange County and at Marina Del Rey with Los Angeles County. The proposed KMA project manager for the Backlands Project assignment led these projects at other ports and is experienced with alternative municipal funding strategies, including infrastructure financing districts in California. If approved, KMA will be the prime consultant, responsible for coordination of the team efforts, completion of all assignments, and the preparation of the economic analysis tasks.

The team is supported by Parsons Brinckerhoff (PB) who will provide the market demand analysis for maritime land uses for the Backlands area in the Phase 1 study (noted below). Olivia Chen Consultants (OCC), Inc., a civil engineering firm, and Barcelon & Jang (B&J) Architecture and Urban Planning will assist the team in the review and evaluation of developer proposals, on an as-needed basis in Phases 2 and 3.

The KMA team intends to comply with the requirements of the City's Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) subcontracting program, as required under the 1999 Request for Qualifications. The subcontracting participation goal for the contract will be 15% for MBE participation. KMA intend to use the services of Barcelon & Jang Architecture and Urban Planning, as needed, to meet the MBE subcontracting goal. B&J is a certified MBE/WBE. Olivia Chen Consultants was contacted to perform the 5% WBE goal, but has discovered that the firm has recently been decertified. KMA will identify additional firms to achieve compliance with the City's subcontracting goals.

Scope of Services

The Port intends to contract with a consultant for services outline below, using the infrastructure analysis as cost inputs, to evaluate the economic feasibility of the development concepts for the Backlands Site.

Phase 1: Feasibility and Development Pro-Forma Analysis

1. The team will review existing studies of infrastructure soil conditions, structural engineering, and other site characteristics to support proposed Backlands development opportunities. These studies will provide estimated costs of environmental remediation, construction of new and/or upgraded off-site infrastructure and other extraordinary costs associated with preparing the site for development, to be incorporated into the economic feasibility analysis. Consultant will supplement this work with available information on market trends and conditions for maritime and alternative uses.
2. KMA, with assistance from PB, will perform an evaluation of the market demand for maritime and alternative land uses which would be compatible with and would enhance the Port's Piers 80-96 maritime complex. PB will undertake the following tasks:
 - a) Review existing cargo and other non-cargo and non-traditional maritime-related and trade-related activities to identify potentially related Backland uses, such as maritime cargo storage (e.g., newsprint, steel, lumber break-bulk) and operations, and public trust uses (e.g., Port maintenance, marine fueling facilities).
 - b) Review existing public trust land use constraints.
 - c) Identify potential uses that would be needed to support maritime operations and are allowed under the public trust.
 - d) Identify potential land and access requirements for these uses, revenue potential, and potential market timing.
3. KMA will perform development pro-forma analysis consisting of four components: a) financial pro-forma evaluation of the development scenarios stated below; b) estimate of residual land value; c) discounted cash flow of projected ground lease revenues to the Port; and d) identification of project financing gap, if any, and potential funding sources available to meet the gap.

The purposes of the KMA financial feasibility analysis are to a) estimate and compare the amount of lease revenues potentially available to the Port; b) flag economic feasibility concerns arising from each development scenario, and c) identify the level and nature of risk to the Port. The overriding goal is to identify a development approach that will be consistent with the public trust doctrine, the goals of the community, and the Port's financial needs.

Phase 2: Developer Solicitation and Selection

Assuming that the results of Phase 1 indicate sufficient feasibility for the project to proceed, KMA will assist the Port in the solicitation and selection of a qualified developer to implement the project. If the Port decides to proceed with the developer selection process, the KMA team will be able to assist Port staff to a) refine selected development concept; b) identify key submittal requirements; c) develop evaluation criteria for responses; d) identify preferred

public-private deal structure; e) identify evaluation process and timing; and f) identify list of potential developers to be solicited.

Once the RFP responses are submitted, the KMA team will review and evaluate proposals. This includes OCC providing input on the geotechnical, environmental, and infrastructure adequacy and estimated costs on the proposals. B&J will provide review of the physical aspect of the development proposals, including public areas, functionality of land use, building configurations, compatibility to adjacent uses, and project's relationship to neighborhood. KMA will evaluate financial proposals for their long-term viability and revenue potential for the Port and prepare an overall evaluation and summarize them in a matrix for comparison. The matrix will correspond to the Port's objectives for the Backlands project.

Phase 3: Developer Negotiations

KMA will be the primary consultant to the Port on its negotiation with the selected developers regarding the disposition and development agreement and the lease, with technical support from OCC and B&J, if needed. In general, KMA will assist the Port in negotiating and analyzing proposed business terms for a project term sheet leading to completion of a development agreement and ground lease negotiations. This includes modifying the pro-forma to test alternative deal structures, model "what-if" scenarios, and test the financial implications to various negotiation positions.

General Contract Terms

As proposed, the contract term for KMA's work shall be effective through September 30, 2006. If approved, the Phase 1 contract amount will not exceed \$83,000. It is expected that KMA will complete the Phase 1 analysis approximately three months after the contract is completely executed. If the project is deemed feasible and the Port determines to prepare a development RFP, Port staff will, at the conclusion of Phase 1, amend the contract scope and budget to allow Phase 2 work on developer solicitation and proposal evaluation and Phase 3 negotiations support. The budget amount will be dependent upon the scope and nature of the work (e.g., the type of assistance requested by Port staff, the number of developer proposals, whether additional subcontractors are needed, etc.). This will also depend on the extent of subcontractor assistance during these phases. It is expected that B&J will represent 15% of the final budget for the later phases, which would be consistent with the City's MBE goals.

Recommendation

Port staff recommends that the Port Commission authorize the Executive Director or her designee to award a professional services contract to Keyser Marston & Associates to evaluate the economic feasibility of the Piers 90-94 Backlands development concepts for a fee not to exceed \$83,000 for Phase 1 analysis.

Prepared by: John Doll, Project Manager
Planning & Development

PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 05-23

WHEREAS, In June 1997, the Port Commission adopted Resolution 97-50 adopting findings pursuant to the California Environmental Quality Act (CEQA), and adopting the Waterfront Land Use Plan, including the Waterfront Design and Access Element; and

WHEREAS, Port staff on September 1999 issued a Request for Qualifications (RFQ) from teams of consultants with multidisciplinary expertise to provide consulting services for waterfront planning and development projects, and Port staff, with assistance from representatives of the Human Rights Commission, undertook good faith efforts to ensure that disadvantaged minority and woman owned business enterprises were given an opportunity to submit a proposal or participate on a consultant team as a sub-consultant; and

WHEREAS, Responses to this consultant RFQ were received from six consultant teams, all of which were determined by Port staff to meet the minimum qualifications indicated in the consultant RFQ, and all six consultant teams were placed on the list of qualified consultant teams from which the Port could solicit proposals for specific contracts; and

WHEREAS, On February 9, 2005, the Port issued a Request for Proposal for the Piers 90-94 Backlands Project to the consultant teams to determine project feasibility, proposal evaluation, and project negotiations; and

WHEREAS, On March 11, 2005, the Port received two responses to the Request for Proposals, and on March 31, 2004, the Port's review panel determined the proposal of Keyser Marston Associates to be the highest scoring response to the Request for Proposals, now therefore be it

RESOLVED, That the Port Commission authorizes the Executive Director or her designee to award a professional services contract to Keyser Marston & Associates to evaluate the economic feasibility of the Piers 90-94 Backlands development concepts for a fee not to exceed \$83,000.

I hereby authorize that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of April 12, 2005.

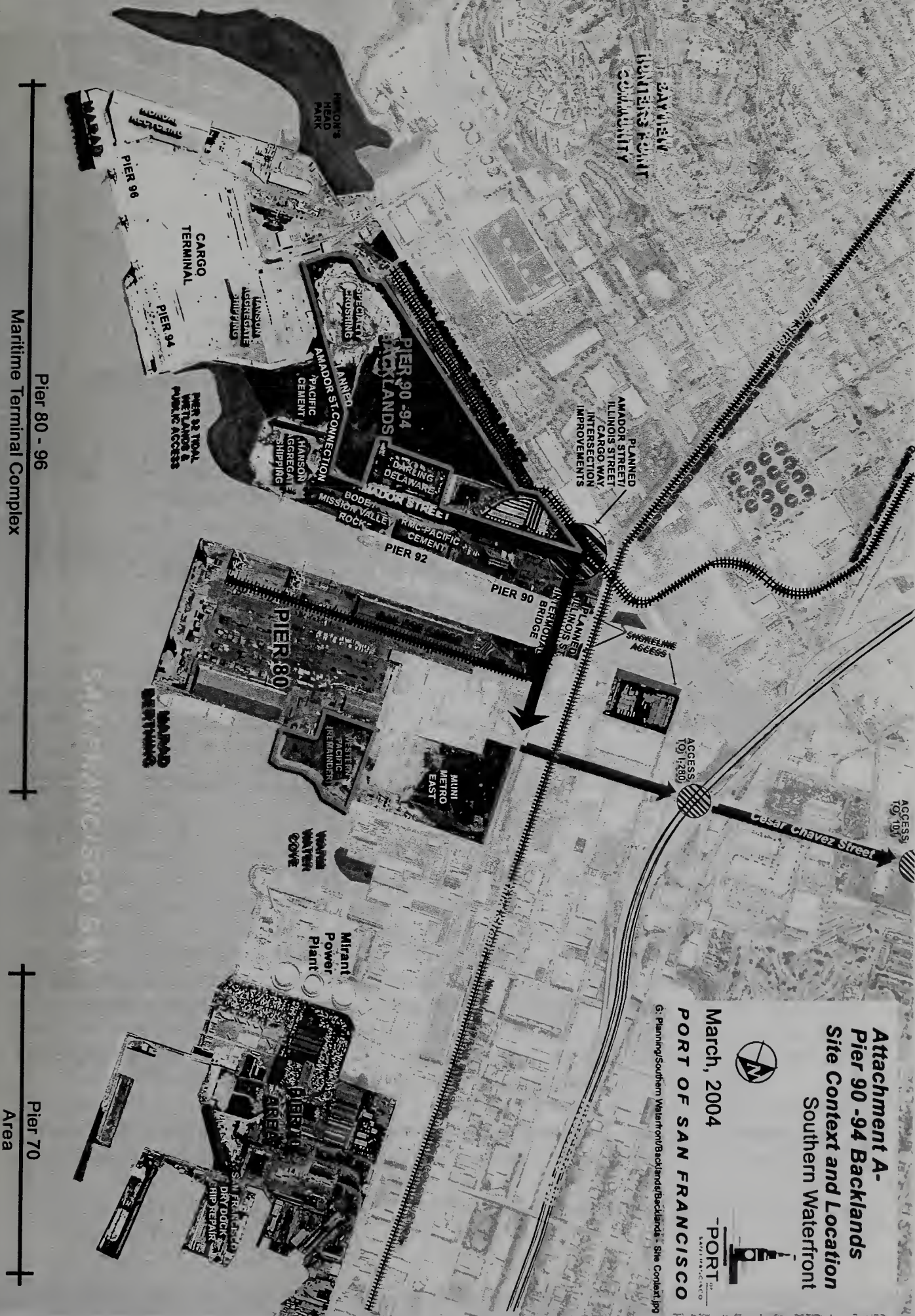
Secretary

Attachment A- Pier 90-94 Backlands Site Context and Location Southern Waterfront

March, 2004

PORT OF SAN FRANCISCO

G:\Planning\Southern Waterfront\Backlands\Backlands - Site Context.jp



SAVANNAH
HUNTERS POINT
COMMUNITY

AMADOR STREET/ILLINOIS STREET
INTERSECTION
IMPROVEMENTS

PLANNED
ILLINOIS STREET
IMPROVEMENTS

SHORELINE
ACCESS

ACCESS
TO I-280

Cesar Chavez Street

ACCESS
TO I-280

PIER 96
CARGO
TERMINAL

PIER 94

PIER 92 TOWEL
WETLANDS &
PUBLIC ACCESS

LANSON
AGGREGATE
SHIPPING

HANSON
AGGREGATE
SHIPPING

AMADOR ST. CONNECTION

BACKLANDS

PIER 90-94

AMADOR STREET

BODLEY VALLEY
ROCK

MISSION VALLEY

RMC-PACIFIC
CEMENT

DARLING
DELAWARE

PIER 92

PIER 90

PIER 80

WARMED
BERTHING

WESTERN
REMAINERS

MINI
METRO
EAST

WATER
COVE

Milratt
Power
Plant

PIER 80
AREA

DIRT DOCK

SHIP REPAIR

Pier 80 - 96

Maritime Terminal Complex

Pier 70
Area



MEMORANDUM

April 5, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon
Hon. Sue Bierman
Hon. Ann Lazarus

FROM: Monique Moyer *MMoyer*
Executive Director

SUBJECT: Authorization to amend the professional services contract with Environ International Corporation for a feasibility study of shoreside power and alternative air emission technologies for cruise ships berthed at the James R. Herman International Cruise Terminal at Pier 30-32.

DIRECTOR'S RECOMMENDATION: AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE A CONTRACT AMENDMENT WITH ENVIRON INTERNATIONAL CORPORATION FOR A FEASIBILITY STUDY OF SHORESIDE POWER AND ALTERNATIVE AIR EMISSION TECHNOLOGIES FOR AN ADDITIONAL CONTRACT AMOUNT NOT-TO-EXCEED \$85,000.

Background

The Port of San Francisco is developing the new James R. Herman International Cruise Terminal and Mixed Use Project at Pier 30-32. On March 25, 2003, as part of the Final Supplemental Environmental Impact Report (FSEIR) process, the Port Commission adopted California Environmental Quality Act (CEQA) findings that discuss the significant environmental impacts of the Cruise Terminal and Mixed Use (cruise terminal) project. The findings indicate that proposed mitigation measures reduce some impacts to levels of insignificance and identifies other certain unavoidable significant environmental impacts. The findings included a Statement of Overriding Considerations that specific economic, legal, social, and other benefits outweigh the significant effects on the environment. The CEQA findings also called for implementation of a Mitigation Monitoring and Reporting Program that includes, among other measures, establishment of air and water quality advisory groups to the Port Commission. These advisory groups would review potential additional mitigation measures for the air and water impacts of cruise ship activity at the Port and would provide recommendations to the Port Commission.

This Print Covers Calendar Item No. 4B

The Port Commission may then choose to implement those additional mitigation measures deemed feasible. One area of review includes the use of technologies, such as shoreside power, and low sulfur content fuel to potentially reduce air emissions.

On June 11, 2003, the Port Commission adopted a resolution to establish the Cruise Terminal Environmental Advisory Committee (CTEAC). CTEAC meets on a regular basis, having met nine times since September 2003, to review cruise ship impacts to air and water quality and recommend additional feasible measures to the Port Commission to reduce those impacts.

On November 6, 2003, the Bay Conservation and Development Commission (BCDC) approved a resolution pursuant to the Major Permit No. 5-03 for the cruise terminal project. Issuance of the permit is conditioned on a number of items, including the following: the project sponsors (the Port and the developer) shall report to BCDC on the recommendations to reduce air emissions made by CTEAC and the Port Commission's determination as to the feasibility of implementing those recommendations. The recommendations should address "at a minimum, the feasibility of using lower emission fuels, cold-ironing (i.e., shoreside power hook-up), the prohibition of onboard incineration, and the identification, reservation, and incorporation of infrastructure within the project site for emerging technology."

On September 28, 2004, the Port Commission adopted Resolution 04-81 which authorized the Executive Director to enter into a contract with Environ International Corporation for such a feasibility study for a fee not to exceed \$50,000. These funds were provided by San Francisco Cruise Terminal LLC as a condition to close escrow for the initial phase of the cruise terminal project (i.e., the residential tower on a portion of SWL 330).

The \$50,000 budget for Environ has been extremely tight and conditioned upon receiving information from PG&E regarding the cost of infrastructure required to step down the appropriate load to serve the electrical demands of cruise ships to be berthed at the new cruise terminal. Such costs must be based on conceptual engineering design studies. Port and SF Public Utilities Commission believe that PG&E has this information available and this has been requested through several channels at PG&E. Unfortunately, PG&E has officially denied these requests until resolution of whether the proposed Port projects should be powered by Hetch Hetchy or PG&E (i.e., whether it is a "municipal" or "retail" load). As shown on Attachment A, PG&E contends that the "proposed cruise terminal does not qualify as a municipal load under the PG&E-CCSF 1987 Interconnection Agreement" and argues that they view "the proposed cruise ship terminal as PG&E retail load." Further, PG&E states that "any service requests should explicitly address the municipal load issue." Owing to the fact that this dispute will not be resolved soon, the Port is not in a position to compel the disclosure of the information.

Accordingly, to complete the shoreside feasibility study, staff seeks to commission Environ's services to complete the conceptual engineering design and estimate these infrastructure costs (as they had done under their prior Port of Long Beach shoreside power study). Environ estimates that \$35,000 will be needed to provide this analysis to complete the feasibility study. Funding

for this proposed work is identified in the FY 2004-05 budget when the Board of Supervisors added back \$200,000 to the Port's budget. Of this amount, \$50,000 was stipulated for environmental services. \$35,000 of this amount would fund Environ's proposed work.

Under the BCDC permit condition, the shoreside power feasibility study was to have been completed by April 30, 2005. However, to accommodate this delay, the Port has requested BCDC to extend the deadline of submission of this feasibility study to September 30, 2005 (i.e., two months for Environ to complete its study and approximately two to three months of review by CTEAC and the Port Commission).

Scope of Work

The Environ team will evaluate the feasibility and cost associated with supplying electrical power to cruise ships while they are berthed at Piers 30-32. In addition, Environ will assess the use of low sulfur fuels and review evolving engine technologies that may reduce air emissions.

Current Scope of Work:

Task 1: Project Initiation and Candidate Vessels Selection

The team will review the types of cruise ships that call at the Port. These include on-board electrical systems, generator capacity, and load. Four candidate vessels will be selected based upon frequency of their calls and economic feasibility of conversion to shoreside power supply.

Task 2: Cruise Ship Hotelling Power Demand Analysis

The team will evaluate the power capacity to supply vessels at the new terminal that will be crucial to calculate the existing air pollutant emissions and to size the proposed new electrical power distribution equipment to the berths. The consumption of electrical power will be identified and approximate normal, peak, and emergency load factors established as appropriate. The team will use its experience with other ports and cruise lines to verify that such loads identified are typical and reasonable. The team will also assess the accessibility and adequate capacity within the existing grid and the anticipated future net additional capacity to the grid.

Task 3: Hotelling Mode Emissions Analysis

The emission inventory for the fleet of auxiliary engines will be reviewed to identify candidate cruise ships for a shoreside power program. The analysis will allow emissions analysis for hotelling modes as well as emissions generated in transit between the berth to and from San Francisco Buoy located approximately 12.5 miles west of the Golden Gate Bridge. The transit mode analysis will be used to estimate the emission reductions from alternative control options (to shoreside power at berth) that could be applied to emissions generated during transit modes as well as at berth.

Analysis (Task 2). Cost estimates will be broken down into three segments: from transmission source to the property line (assuming cost information from the local utility), property line to berth, and berth to vessel. Costs will include one time and annual operating PG&E charges. In addition, the overall costs will dictate the potential funding that may be required to implement such a program, and funding sources will be suggested to offset these implementation costs. The cost analysis will include annual total cost of power, including the cost of shoreside power consumption during the cruise season, fees, surcharges, etc. that will be charged to cruise lines.

Task 5: Cost-Effectiveness, Feasibility of Shoreside Power and Alternative Control Technologies

The team has developed a multi-faceted approach to address the development of a conceptual plan and alternate emissions control strategies for the cruise ships that will berth at Piers 30-32. The team will provide cost estimates for the conceptual design of a shoreside power systems and alternative emission control strategies. The capital and operating costs for the shoreside power infrastructure and shipboard cold ironing systems, as estimated in Task 4, will be used along with the emission reduction estimates to calculate the cost effectiveness in dollars per ton of criteria pollutant emissions, including NO_x, Sox, and PM emissions.

Task 6: Report Preparation and Presentation

The team will prepare and present the results for the benefit of CTEAC and the Port Commission. Under the current scope, this work, which had assumed PG&E data, was to have been completed in April 2005.

Amended Scope of Work:

In addition to tasks identified above, the Environ team will develop technical data and cost estimates associated with the development of an electrical power transmission and distribution infrastructure to supply a 12.5 kV feeder at the property line of the James R. Herman Cruise Ship Terminal for shoreside power. The proposed work will include the following:

- Working closely with the Port and SFPUC to identify an appropriate existing distribution system or substation and location to supply the electrical power for the 12.5 kV feeder line;
- Develop a conceptual electrical power transmission and distribution infrastructure, with required overhead transmission lines, poles, substation(s), and underground distribution route to the Piers 30-32 cruise ship terminal for shoreside power; and
- Estimate the costs associated with the improvement, construction, and equipment required for the conceptual electrical power supply infrastructure.

Environ assumes that completion of this project will take approximately two months to complete the final draft. This draft will be submitted to CTEAC for their comments and recommendation to the Port Commission. Staff assumes two to three additional months (i.e., until September 2005) to finalize the report and make appropriate presentations. Once the Port Commission has

reviewed the recommendations, the Commission will determine what final recommendations are to be submitted to BCDC as required under Permit.

Recommendation

Port staff recommends that the Port Commission authorize the Executive Director or her designee to execute an amendment to the existing contract with Environ International Corporation to increase the contract amount by \$35,000, for a total fee not to exceed \$85,000, to extend the contract term by four months, and to obtain from Environ additional infrastructure cost analysis for the feasibility study of shoreside power and alternative air emissions technologies for cruise ships berthed at the James R. Herman International Cruise Terminal.

Prepared by: John Doll
Project Manager
Planning & Development Division

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 05-24

- WHEREAS, On March 23, 2003, by Resolution No. 03-27, the Port Commission adopted findings, including a statement of overriding considerations and a mitigation and monitoring program, pursuant to the California Environmental Quality Act (CEQA) and the State CEQA guidelines in connection with the Mixed-use Cruise Terminal Project (also known as the James R. Herman International Cruise Terminal); and,
- WHEREAS, On March 23, 2003, by Resolution No. 03-28, the San Francisco Port Commission approved transaction documents to allow the development of a new Mixed-use Cruise Terminal at Piers 30-32; and
- WHEREAS, Those documents require cruise lines that will use the new cruise terminal to follow "Best Management" practices for air and water quality endorsed by leading environmental advocacy groups; and
- WHEREAS, Those documents also require creation of local air and water quality advisory groups to oversee operating practices at the new cruise terminal facility; and
- WHEREAS, On June 12, 2003, by Resolution No. 03-39, the Port Commission approved a San Francisco Cruise Terminal and Environmental Policy and Program which included creation of the Cruise Terminal Environmental Advisory Committee (CTEAC) which serves as an advisory group to the Port Commission; and,
- WHEREAS, On November 6, 2003, BCDC approved a resolution that requires the Port to report, by April 2005, to BCDC on the CTEAC recommendations to reduce air emissions and on the Port Commission's determination as to the feasibility of implementing those recommendations; and
- WHEREAS, It is appropriate that those recommendations will address the feasibility of using lower emission fuels, shoreside power, the prohibition of onboard incineration, and the identification, reservation, and incorporation of infrastructure within the project site for emerging technology; and
- WHEREAS, Within 90 days after submission of the Port report regarding recommendations to reduce air emissions, BCDC will determine which, if any, of the recommendations are feasible, as that term is used in Section 15361 of the State CEQA Guidelines; and

- WHEREAS, It is appropriate and necessary to conduct a comprehensive feasibility study regarding alternative measures and technologies for the reduction of air emissions for the new cruise terminal and its operations to satisfy BCDC requirements; and
- WHEREAS, On May 11, 2004, by Resolution No. 04-40, the Port Commission approved issuance of a Request for Proposals from qualified consultants to conduct a feasibility study of shoreside power and alternative air emission technologies for cruise ships utilizing the James R. Herman Cruise Terminal; and
- WHEREAS, On May 21, 2004, the Port issued a Request for Proposals from qualified consultants for a feasibility study of shoreside power and alternative air emission technologies; and
- WHEREAS, On September 28, 2004 the Port Commission adopted Resolution No. 04-81 which authorized the Executive Director to enter into a contract with Environ International Corporation for a feasibility study of shoreside power and alternative air emission technologies for a fee not to exceed \$50,000; and
- WHEREAS, PG&E has determined that the James R. Herman Cruise Terminal to be a retail, not a municipal, load and has withheld cost infrastructure information to the Port and the San Francisco Public Utilities Commission for the shoreside feasibility study until resolution of the load issue; now therefore be it
- RESOLVED, That the Port Commission authorizes the Executive Director or her designee to execute an amendment to the existing contract with Environ International Corporation to extend the contract term by four months, obtain from Environ additional infrastructure cost analysis for the feasibility study of shoreside power and alternative air emission technologies for cruise ships berthed at the James R. Herman International Cruise Terminal; and to increase the contract amount by \$35,000, resulting in a total fee not to exceed \$85,000.

I hereby authorize that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of April 12, 2005.

Secretary



**Pacific Gas and
Electric Company**

Electric Transmission Rates

US Mail:
Mail Code B13L
Pacific Gas and Electric Company
P.O. Box 770000
San Francisco, CA 94177-0001

Overnight Mail:
Mail Code B13L
Pacific Gas and Electric Company
77 Beale Street
San Francisco, CA 94105-1814

415.973.2858
Fax: 415.973.9174

February 2, 2005

Ms. Marla Jurosek
Acting Director, Power Operations
City and County of San Francisco
Hetch Hetchy Water and Power
1155 Market Street, 11th Floor
San Francisco, CA 94103

RE: Cruise Ship Terminal Development

Dear Ms. Jurosek:

I am responding to your January 4, 2005 letter to Jeff Joy, concerning the proposed cruise ship terminal located at Piers 30/32. As PG&E indicated in the past (see attached April 13, 2004 letter from Deanna Toy) PG&E believes that the proposed cruise ship terminal does not qualify as municipal load under the PG&E-CCSF 1987 Interconnection Agreement.

While your letter does not directly address the municipal load issue, we feel that there is an implication, based on the fact that Hetch Hetchy Water and Power (HHWP) is taking the lead on the connection issue, that HHWP views the proposed cruise ship terminal as municipal load. We would like to make it clear from the outset that PG&E views the proposed cruise ship terminal as PG&E retail load.

As a result of the forgoing, we would be more comfortable responding to any service connection requests concerning the proposed cruise ship terminal directly to its developer. If a developer has not yet been selected, any service connection requests should explicitly address the municipal load issue.

Sincerely,

Shirley Eshbach
Manager, Transmission Contract Management

Attachment

cc: John Doll (San Francisco Port)
Brad Benson (San Francisco Port)
Barbara Hale (CCSF)
Sandra Rovetti (CCSF)
Yilma Hailemichael (PG&E)
Steve Metague (PG&E)
Michael Tanenbaum (PG&E)

ATTACHMENT A



MEMORANDUM

April 4, 2005

TO: MEMBERS, PORT COMMISSION

Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice-President
Hon. Kimberly Brandon
Hon. Sue Bierman
Hon. Ann Lazarus

FROM: Monique Moyer *MMoyer*
Executive Director

SUBJECT: Request for approval of Port Co-sponsorship with SPUR of the EDAW Internship Program, as part of World Environment Day, with a focus on Pier 70, and approval of request to provide funding to partially support the Internship Program.

DIRECTOR'S RECOMMENDATIONS: APPROVE REQUEST

I. EXECUTIVE SUMMARY

As noted in the February 22, 2005 Informational Presentation to the Commission on this topic, 2005 is the 25th year that the landscape architectural firm EDAW has carried out a summertime Intern Program, in various international settings. EDAW and its co-sponsor SPUR (San Francisco Urban Planning & Research) have requested the Port serve as a co-sponsor because the two-week design charette, scheduled for early June, would focus on the Port's Pier 70 and would produce a Concept Master Plan for this historic shipyard. The vision plan would be arrived at through discussions with City and State officials, noted stakeholders in the development of the Southern Waterfront, and members of the community, including, prominently, the Port's Central Waterfront Advisory Group. (Goals for the Pier 70 master plan have developed and are included herein.) At its conclusion, the program would deliver the plan documents to Mayor Gavin Newsom and the Port Commission in a formal ceremony, as part of San Francisco's hosting of the United Nations' World Environment Day.

Fund-raising is ongoing to bring the students, nationals of nine countries on three continents, to San Francisco in early June and to carry out the staffing, housing, community outreach and other aspects of the program. Estimated to cost over \$250,000 overall, plus pro bono professional services by EDAW, the Port's proposed contribution of \$50,000, would be allocated from professional services contract funds in the Planning and Development division of the Port to the

This Print Covers Calendar Item No. 5A

Mayor's Office of Economic and Workforce Development (MOEWD). In addition, Port staff resources would be allocated to support this project. The MOEWD would then contract with SPUR as the fiscal agent for a grant to EDAW.

II. PROGRAM DESCRIPTION

Since 1980, the EDAW Intern Program has enabled interns from all over the world to travel to the United States and elsewhere, to work on projects that present them with complex real-world planning issues. The program, which was honored with an ASLA Award of Excellence in 2000, challenges interns in landscape architecture, planning, resource management, economic development, and related fields by providing them a hands-on opportunity to strengthen their skills and broaden their perspectives, while applying their knowledge and training to a complex planning project. The results have been impressive -- many of the 257 alumni have gone on to become principals in design and development firms, university instructors, or leaders in the public sector, and several of their planning projects have provided a foundation for further planning efforts.

This year's Intern Program project marks the 25th anniversary of the program. Participants will focus on Pier 70, a 65-acre site in San Francisco's Southern Waterfront, home to the S. F. Drydock ship repair yard and a rich collection of historic architectural resources that once housed a thriving industrial maritime center. Although many of these structures and the supporting infrastructure have deteriorated and fall short of today's needs, the site has tremendous promise: immediately to the north, the largest mixed-use development in San Francisco's history is under construction at Mission Bay, and the city's newest light-rail line will link Pier 70 with downtown as of early 2005. In this park-poor quadrant of the city, the site's location along a scenic stretch of the Southern Waterfront -- with calm water, beach access, sunny weather and magnificent views across the Bay -- makes it a prime candidate for tie-in to the new blue greenway (a missing water-and-land link in the Bay Area-wide Bay Trail system), and other open space opportunities.

However, Pier 70 also presents many challenges:

- Pier 70 is a Brownfields site with a long history of heavy industrial use that must be remediated before reuse can occur.
- While the site contains the largest collection of 19th century intact industrial buildings west of the Mississippi, none of the buildings meets current seismic or most other codes. They were also built with materials that included asbestos and lead that are now considered a health hazard, but were commonly used in that period. All of these historic buildings are in a poor state of repair.
- At least in part a former tidelands area, Pier 70 is thus subject to certain complex regulations and restrictions imposed by the State Lands Commission's interpretation of the Public Trust Doctrine, limiting many land uses.

- Home to San Francisco Drydock, Inc., Pier 70 is the location of the last full-service ship repair business in San Francisco made possible by one of the largest drydocks on the west coast of the United States, providing employment for hundreds of well-paid, blue-collar workers. When a ship is in drydock, the business runs 24-hours a day, and may have strong lights and some noise generation. New uses must be compatible with this industrial enterprise.

Taking all these site characteristics into consideration, the interns in the 2005 Program will take a multi-disciplinary approach to devising a Concept Master Plan for this site, with the goal of creating a comprehensive, balanced plan that is capable of being carried forward to the next step of a community-based planning process. Since the workshop will take place concurrently with the 2005 World Environment Day (held in San Francisco this year), the interns will also carry out the plan using the sustainable development principles set forth as part of this event.

Project Goals

Port staff, EDAW and SPUR collaborated on a short statement of the goals of the project, as listed below. These draw on the extensive prior planning for Pier 70 undertaken in the past years with the direct involvement by the Pier 70 Advisory Committee (recently renamed the Central Waterfront Advisory Group). The goals are to accomplish the following:

- Develop an exciting and dynamic vision plan that will create momentum for the redevelopment of Pier 70.
- Raise awareness about the opportunity that exists at Pier 70 and current development plans in adjacent areas with the public and potential developers.
- Assure that the process for developing the plan is inclusive and built on consensus.
- Acknowledge known opportunities and constraints but strive to think beyond them -- outside the box.
- Carry out the Port's mission to promote maritime industries, to preserve the environment, and to attract the public to use and enjoy the waterfront.
- Reflect the accords promoted by World Environment Day with the primary themes of "green buildings", "sustainability" and "reclaiming Brownfield sites".
- Enhance existing ship repair and maritime support uses.
- Provide public access and public open space at the water's edge.
- Honor and leverage historic resources on the site.
- Identify a feasible direction and measures for implementing the vision plan.

Community Planning Process

While the location of the Internship Program site is on Port property, the project to be undertaken will be a community-focused project, with expected city-wide implications. Early in the first week, interns will meet in workshop sessions with neighborhood groups, stakeholders, and officials from City and State agencies with some regulatory role in the development of the site.

These series of "visioning" workshops and individual meetings are intended to give interns the benefit of insights and ideas about the reuse of the site from the various parties involved. The Port will assist EDAW in providing information about these workshops, and sending invitations to active stakeholders well in advance of the first week of June. Port staff also will assist EDAW in setting up meetings with the San Francisco Planning Department or other entities as needed to provide the EDAW interns with applicable land use, general planning and zoning information.

A Steering Committee of key officials, stakeholders and community leaders will set the overall direction for the students' work. A smaller group of senior staff representatives of all Steering Committee' members (the Working Group) will work more closely with the students throughout their exercise, to guide and/or respond to their ideas. As the student work progresses, sketches, diagrams, photographs, and/or drawings will be arrayed on the Studio space, and the Steering and/or Working Group may examine them and respond to issues that arise. Mid-way through the period, the Working Group may hold an intensive review of work developed.

At the close of the two week program, the group of interns will present the final Concept Master Plan work products in a special public ceremony attended by the Mayor, the Port, other sponsors, the Steering Committee, the Working Group, stakeholders and community leaders. It is expected that this presentation will include maps, drawings, and a PowerPoint presentation.

In the two months following the workshop, EDAW will prepare a detailed written report with the associated preliminary technical analysis, summary of the two-week design/planning process, and recommendations/conclusions from the workshop. The summary report will be distributed to the project sponsors and civic leaders. Once the summary report is finalized, EDAW staff will formally present the conclusions to the Port Commission in a public informational hearing.

Concept Master Plan Work Products

During the two-week program the students will develop the types of exhibits listed below. This is a representative listing to indicate the kinds of useful work products that will come from this charette.

- Site analysis summaries
- Exhibits of "lessons learned" from stakeholder interviews and community outreach
- Opportunities and constraints diagrams
- Alternative visions or concepts for future uses of the site, reflecting differing interpretations of regulatory requirements.
- Planning and/or design principles associated with carrying out these various concepts
- Applicable principles for sustainable development (based on the World Environment Day accords to be adopted by San Francisco).
- Concept Plan Scenarios (a maximum of two), considering the following variables:
 - Alternatives for preservation of individually designated historic buildings and artifacts and, potentially, alternatives for either a single large historic district or multiple ones
 - Alternative reconfigurations of maritime and maritime-industrial uses

- Other future land uses
- Pedestrian and vehicular circulation through the site
- View corridors
- Public access and open space requirements
- Final Visioning or Concept Master Plan
 - Illustrative Plan of the Site
 - Land Use Plan
 - Function Diagrams (circulation, access, transit)
 - Open Space and Public Access Plan/Diagram
 - Character Imagery (photographs, sketches, references)
- Phasing/Implementation Strategy
 - Phasing Diagram
 - Value / Cost Analysis
 - Mechanisms and measures for implementation

The list of exhibits shown above is subject to change, based on the students' findings and issues raised in the workshops.

Following the 2-week workshop, EDAW will prepare a summary report of the process, including all the exhibits produced during the workshop, and brief descriptions of the process and the outcome. These will include key recommended next steps and implementation measures.

III. STAFF RECOMMENDATION

Because the Port expects to receive substantial value from the involvement of the interns, EDAW and the community in planning of this project, as well as from the final Concept Master Plan, Staff recommend the Port Commission co-sponsor the 2005 EDAW Internship Program and authorize transfer of \$50,000 of professional services funds from the Planning and Development Unit to the Mayor's Office of Economic and Workforce Development (MOEWD) which is preparing a Grant Agreement to SPUR, which will be the fiscal agent for the grant to EDAW. This sum represents approximately one-fifth of the contributions EDAW and SPUR currently are raising for the project.

Prepared by: Lynda Swanson
Planning & Development

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 05-25

- WHEREAS, Charter, Section B3.581 empowers the San Francisco Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of San Francisco; and
- WHEREAS, Pier 70 is within the Port's jurisdiction; and
- WHEREAS, The Port desires to undertake a significant master planning exercise at Pier 70 in order to develop a new plan that will include historic preservation, brownfields remediation, open space development, preservation of maritime uses and development of new mixed use opportunities; and
- WHEREAS, The planning and landscape firm, EDAW, annually hosts a summertime Intern Program that brings international students to cities around the world to conduct intensive design charrettes on planning issues of significance the ("EDAW Internship Program"); and
- WHEREAS, In 2005, EDAW has chosen to conduct its program in San Francisco, and is seeking a prominent site where there are complex land use planning issues to resolve; and
- WHEREAS, San Francisco was selected because the City and County of San Francisco are hosting the United Nations' World Environment Day in June, 2005; and
- WHEREAS, The non-profit entity, San Francisco Planning and Urban Research ("SPUR") is co-sponsoring the 2005 EDAW Internship Program; and
- WHEREAS, EDAW and SPUR have discussed with Port staff about focusing the 2005 EDAW Internship Program on Pier 70; and
- WHEREAS, EDAW and SPUR are raising \$250,000 to fund the 2005 EDAW Internship Program, in addition to committing pro bono professional time by their respective entities; and
- WHEREAS, EDAW has requested that the Port co-sponsor the 2005 EDAW Internship Program by contributing \$50,000 towards the program and certain staff resources; and
- WHEREAS, The Mayor's Office of Economic and Workforce Development ("MOED") has agreed to enter into a Grant Agreement with SPUR, pursuant to which SPUR, as the fiscal agent for EDAW, will accept and administer any financial contribution from the Port for the 2005 EDAW Internship Program; and

WHEREAS, Port staff believes that the Port will receive substantial benefit from the 2005 EDAW Internship Program, including the extensive community input and the high-quality Concept Master Plan that will result from the program and recommends that the Port Commission approve the requested co-sponsorship of the program as described in the staff report for this agenda item; NOW THEREFORE, BE IT

RESOLVED, Based on staff's recommendation and its own review, the Port Commission finds that the 2005 EDAW Internship Program will yield significant benefits to the Port; and be it further

RESOLVED, That the Port Commission hereby agrees to be a co-sponsor of the EDAW Intern Program for 2005 EDAW Internship Program as described in the staff report for this agenda item; and be it further

RESOLVED, That the Port Commission hereby authorizes the Executive Director, or her designee, to transfer \$50,000 in funds allocated to the budget of the Port's Planning and Development Division to MOED to grant to SPUR for the 2005 EDAW Internship Program.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of April 12, 2005.

Secretary



MEMORANDUM

April 6, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon, Commissioner
Hon. Sue Bierman, Commissioner
Hon. Ann Lazarus, Commissioner

FROM: Monique Moyer *MMoyer*
Executive Director

SUBJECT: Approval of lease for surface parking between the Port and Central Parking System Inc., at Seawall Lot 314, located at the Embarcadero, between Bay and Kearny Streets

DIRECTOR'S RECOMMENDATION: APPROVE RESOLUTION

BACKGROUND

On July 27, 2004 the Port Commission approved Resolution No. 04-65, authorizing Port staff to issue a Request for Proposal ("RFP") for the operation of a surface public parking lot at SWL 314 located at the Embarcadero between Bay and Kearny Streets in the Northern Waterfront. The process was to culminate in the award of a lease with a term of two (2) years. The successful bidder would be the one who proposed the highest rent for the parcel and who met the minimum qualifications for experience and financial standing.

Port staff subsequently issued an invitation for bids. A goal of the Port Commission was to encourage the participation of minority-owned and economically disadvantaged businesses. Staff consulted with the Human Rights Commission and the City Attorney's Office to determine appropriate methods for encouraging participation in the bid process by small, local, women, economically disadvantaged and minority-owned businesses. The Port advertised extensively in a wide variety of publications intended to reach MBE/WBEs. The Port received requests for twenty-eight (28) bid packages and eventually received bids from five (5) parking lot operators, one (1) of which was a MBE/WBEs.

On September 22, 2004 a pre-bid conference was held, which included a site tour of the parking facility. The due date for submittal of bids was on November 3, 2004, at which time the bids were

THIS PRINT COVERS CALENDAR ITEM NO. 6A

publicly opened and ranked in order of highest bid. After a careful review, the first highest bidder was deemed non-responsive because they did not meet the minimum qualification detailed in Section IV of the RFP. Due to this lengthy review process the award of the RFP was delayed. The highest responsive bidder for the parcel was Central Parking System, Inc.

The bid Ranking is as follows:

- | | | |
|-------------------------------|----------|----------------|
| 1. Tower Valet Parking | \$25,005 | Non-responsive |
| 2. Central Parking System | \$23,195 | Winning Bidder |
| 3. Imperial Parking | \$23,521 | |
| 4. Pacific Parking Management | \$15,101 | MBE |
| 5. George Gage | \$15,000 | |

Port Staff is now requesting the Port Commission approval of Lease No. L-13803 for Seawall Lot 314, located at the Embarcadero, between Bay and Kearny Streets. The proposed lease terms and conditions are discussed below:

LEASE TERMS AND CONDITIONS

Seawall Lot 314

- (1) Tenant: Central Parking System, Inc., a Tennessee corporation.
- (2) Premises: Approximately 29,946 square feet of Seawall 314.
- (3) Term: Two (2) years commencing on April 13, 2005 and terminating on April 12, 2007.
- (4) Monthly Base Rent: \$23,195 per month with annual CPI adjustment.
- (5) Percentage Rent: Tenant shall pay to Port the higher of the monthly base rent or percentage rent equal to 66% of gross revenues after deducting parking taxes, whichever is the greater amount.
- (6) Deposit: \$46,390, equal to two months minimum rent.

The Lease includes the following additional provisions:

In addition to Worker's Compensation, Comprehensive General Liability and Comprehensive Automobile Insurance, the Tenant must also carry Garage Liability and Garage Keeper's Insurance with a limit of not less than one million dollars (\$1,000,000).

Tenant is required to pay highest general prevailing wages in accordance with prevailing wage rates adopted by the San Francisco Board of Supervisors pursuant to Section 6.37 of the San Francisco Administrative Code.

Port shall retain the right to require the tenant, upon five (5) business days' notice, to make SWL 314 available for parking and staging of vehicles in support of cruise ship operation at Pier 35 at market rates.

Port shall retain the right to require the tenant, upon sixty (60) days notice, to make the entirety of SWL 314 available at market rates for parking of vehicles in support of the Piers 27-31 Development.

Total Annual Base Rent from the lease will be \$278,340.00

RECOMMENDATIONS

Staff recommends that the Port Commission approve the attached resolution authorizing the Executive Director or her designee to enter into Port Lease No. L-13308, for a two (2) year term, with Central Parking System, Inc, for the operation of a public parking lot at Seawall Lot 314, located at the Embarcadero, between Bay and Kearny Streets in the City and County of San Francisco.

Prepared by: Jeffrey A. Bauer, Senior Commercial Leasing Manager

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 05-26

- WHEREAS, Charter Section 3.581 empowers the Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the Port area of the City and County of San Francisco; and
- WHEREAS, surface parking lots on Port property generates significant revenue to the Port and the Port desires to operate its parking lots in an efficient manner while maximizing revenues; and
- WHEREAS, Seawall Lot 314 is located in an area with high demand for parking by both Port tenants and the public; and
- WHEREAS, the San Francisco Port Commission authorized Port staff to offer, through competitive bidding ("RFP"), this lease, with a two-year term, for surface parking lot operations available to the public, located on Seawall Lot 314; and
- WHEREAS, Port staff encouraged the participation in the bid process by small, local, women, economically disadvantaged and minority-owned businesses by advertising extensively in a wide variety of publications; and
- WHEREAS, Central Parking System Inc., a Tennessee corporation, is the highest responsive bidder; now, therefore, be it
- RESOLVED, that the San Francisco Port Commission hereby approves Lease No. L-13803 with Central Parking System, Inc., a Tennessee corporation, at Seawall Lot 314, located at the Embarcadero, between Bay and Kearney Streets, on terms and conditions outlined in the memorandum to the Port Commission for Agenda Item 6A of the Port Commission Meeting on April 12, 2005, and the Port Commission authorizes the Executive Director of the Port, or her designee, to execute the same on behalf of the Port in such form as is approved by the City Attorney.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of April 12, 2005.

Secretary

**SAN FRANCISCO
PORT COMMISSION**

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**APRIL 12, 2005
MINUTES OF THE MEETING**

MEMBERS, PORT COMMISSION

HON. WILFRED HSU, PRESIDENT
HON. MICHAEL HARDEMAN, VICE PRESIDENT
HON. KIMBERLY BRANDON
HON. SUE BIERMAN
HON. ANN LAZARUS

MONIQUE MOYER, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO

PORT COMMISSION

MINUTES OF THE MEETING APRIL 12, 2005

1. CALL TO ORDER / ROLL CALL

Commission President Wilfred Hsu called the meeting to order at 3:17 p.m. The following Commissioners were present: Wilfred Hsu, Michael Hardeman, Kimberly Brandon, Sue Bierman and Ann Lazarus.

2. APPROVAL OF MINUTES - March 8, 2005 Special Meeting March 22, 2005 Meeting

ACTION: Commissioner Hardeman moved approval; Commissioner Brandon seconded the motion. All of the Commissioners were in favor; the minutes of the March 8 and March 22, 2005 meetings were adopted.

Commissioner Hardeman indicated that on page 12 of the March 22 minutes, he commented about the bicycles. His intentions weren't to encourage any violation of the law when he said the Port should be bicycle friendly or encourage any riding on sidewalks. He wanted to clarify his comments in these minutes but the past minutes were correct.

3. EXECUTIVE

A. Executive Director's Report. Executive Director Moyer reported the following:

- Annual Report of the Port of San Francisco: The first annual report of the Port will be presented today at 5:30 p.m. The oral presentation will be presented by the Port's executive staff and it is open to the public. People who will come to the meeting will find it a good use of their time.
- AAPA Commissioners Seminar: The American Association of Port Authorities will hold the Commissioners Seminar on May 18-20 in San Francisco. It is a prestigious event and San Francisco is very pleased to be chosen to host it. It is expected that members of Port authorities will be attending the seminar with their senior executive staff. The Port is part of the host committee. Staff will be planning some of the events such as tours and social gatherings with the executive directors and the Commissioners. She encouraged the Commission to attend but noted that the meetings are not open to the public.
- Cancellation of the May 24, 2005 Port Commission Meeting: Due to lack of quorum, the May 24th meeting is cancelled. The next meeting is scheduled on June 14, 2005.

- Jill Simpson-Rodby of the Maritime Division was awarded the Special Olympics Gold Medal for her efforts in raising money particularly in the downtown community. She thanked Jill for doing not only a great job for the Port but on behalf of a community of very special kids.

B. Informational Presentation by the San Francisco Department of the Environment regarding World Environment Day.

Ms. Moyer introduced Jared Blumenfeld, the Executive Director of the Department of the Environment. World Environment Day is a big deal for the City. The Port will be participating in that momentous occasion since some of the events will be held on Port property. Jared was appointed by Mayor Willie Brown in the summer of 2001. Prior to joining the City, he worked for the International Fund for Animal Welfare. He was clearly qualified to run the City's Department of the Environment. He has worked on environmental problems in Africa, Australia, Central and South America. No doubt his particular expertise would be valuable as world leaders gather in San Francisco.

Jared Blumenfeld indicated that the Department of the Environment does a lot of things with the Port from used oil collection to energy efficiency, to toxics reduction, to recycling for the City and renewable energy. He hopes to work with the Port in years and decades ahead to make the Port of San Francisco a model of sustainability, environmentally and socially. There are a number of agenda items such as the backlands and other things that their department worked with the Port. He thanked the Port for the good work that they have done on the environment thus far. U.N. World Environment Day is Earth Day for the rest of the planet. Earth Day is celebrated in the United States on April 22. The rest of the planet celebrates it on June 5th every year. This event has never been held in North America; it's been held in the major capital cities around the world for the last 33 years: Tokyo, London, Beijing and last year Barcelona. This year, this is the first time in human history that more people will be living in cities than rural areas. Of the 6.3 billion people in the planet, half of those now live in cities. This year marks the 60th anniversary of the founding of the United Nations in 1945. It's a big U.N. year as well as a big year for cities. The theme for U.N. World Environment Day would be Green Cities, Where the Future Live. They have invited the Mayors of the largest cities on the planet and as of today, 48 have confirmed they will be coming. There will be approximately 150 community events. The EDAW program that will be presented today gets kick off and there will be panels every single day that are focused on the delegates events. The delegates will be primarily Mayors and elected officials and others from cities around the world. The Governor will kick off the event. Al Gore will give a speech on climate change. They will be building a palace out of recyclable one-ton bales at Pier 96. They will show Pier 96 as the recycling center and show all the things that were made using San Francisco's compost. The City has the largest food scrap recycling program in the nation at 300 tons a day. They will show the wine that was made using that compost, and the organic food that was made. They will give the delegates a tour of Pier 96. The Port is a non-fiscal sponsor but is a sponsor of the World Green Building Council that will be in the City for their annual meeting during World Environment Day. There are a huge number of events on the calendar and asked the Commission to contact him if

they are interested in attending any particular event. Ken Livingston, the Mayor of London, is going talk about transportation issues. There will be 11 Mayors from China coming to the event, all with more than 6 million people in their cities. In China, a town of 6 million is called a town not a City. It will showcase what San Francisco has to offer. They will bring all the delegates to our best restaurants and show them our best organic food. All of the meals will be zero waste; all of them will be organic. They are working with Muni to get zero emission and low emission vehicles from throughout the bay area. They will get a hydrogen fuel cell vehicle from AC Transit. They will get compressed natural busses from Sonoma and show people what the City can do. Their website, www.ed2005.org, contains all the information regarding the event.

Commissioner Bierman asked what events would the Commission get to go to and how will they know. Ms. Moyer replied that Mr. Blumenfeld provided the Commission a calendar of events. It would be at the Commission's discretion as to which event they would like to attend. The Port, through a request made by John Mundy, will be hosting a workshop which staff is currently working on and will keep the Commission apprised in the month ahead. There are various activities that will be happening on Port property. There's an event at Pier 30/32 and at Pier 96. Staff will put together a short list of events that will be held on Port property. On Saturday, June 4th, there will be a farmer's market and Embarcadero walk.

Mr. Blumenfeld added that they are working with U.C. Berkeley to develop a document called the San Francisco Urban Environmental Accords which is the 21 actions that they would like all the Mayors to take in the next seven years to move towards urban environment sustainability.

Ernestine Weiss asked if the public can participate in all of the events. Mr. Blumenfeld replied that there are 150 community events that will take place. They are all listed on their website. Advertising, invitations, posters and banners will be going out at the beginning of May. There will be a big opening at Civic Center that will include students from the school district. There are daily workshops that the public will be invited to. There will be the first ever San Francisco International Environmental Film Festival at the Castro.

Commissioner Hsu thanked Mr. Blumenfeld for making this event happen. He was glad that the Port can be a part of this significant event not just for San Francisco but for the world.

4. CONSENT

- A. Request authorization to award a professional services contract to Keyser Marston Associates to evaluate the economic feasibility of the Pier 90-94 Backlands development concepts. (Resolution No. 05-23)
- B. Request authorization to increase the professional services contract by \$35,000 with Environ International Corporation for a feasibility study of shoreside power and alternative air emission technologies for cruise ships berthed at the James R. Herman

International Cruise Terminal at Pier 30-32 for a total amount not-to-exceed \$85,000. (Resolution No. 05-24)

ACTION: Commissioner Hardeman moved approval; Commissioner Brandon seconded the motion. All of the Commissioners were in favor; Resolution Nos. 05-23 and 05-24 were adopted.

5. PLANNING & DEVELOPMENT

- A. Request approval of Port co-sponsorship with SPUR of the EDAW Internship Program (EIP), as part of World Environment Day, with a focus on Pier 70, and approval of request to provide funding to partially support the EIP. (Resolution No. 05-25)

David Beaupre, Planning & Development Division, introduced EDAW representatives, Jacinta McCann, Alma DuSolier and Scott Preston. He presented the item and requested Commission's approval.

Previously described at the February 22, 2005 Commission meeting, EDAW an internationally recognized landscape architecture and planning firm with offices around the world is celebrating its 25th year of the Summer Internship program and has selected San Francisco, its world headquarters for the site of this years intern program. EDAW has recruited approximately 20 graduate students from around the world to conduct a two-week design charrette focusing on the Port's Pier 70 area. A Plan will be developed through a coordinated effort between City and State officials, noted stakeholders in the Southern Waterfront, including, the Port's Central Waterfront Advisory Group. The program costs approximately \$250,000 with EDAW, SPUR and the Port being primary sponsors. EDAW and SPUR will continue fund raising to offset the cost of the program

Port staff, EDAW and SPUR collaborated on the development of the project goals. The goals draw on the extensive prior planning efforts for Pier 70 area undertaken with involvement by the Pier 70 Advisory Committee. The goals include:

- Develop an exciting and dynamic plan that will create momentum for the redevelopment of Pier 70.
- Raise awareness about the opportunity that exist at Pier 70 and current development plans in adjacent areas.
- Assure that the process for developing the plan is inclusive and built on consensus.
- Acknowledge known opportunities and constraints but strive to think beyond them.
- Carry out the Port's mission to promote maritime industries, to preserve the environment, and to attract the public to use and enjoy the waterfront.

- Reflect the accords promoted by World Environment Day with the primary themes of “green buildings”, “sustainability” and “reclaiming Brownfield sites”.
- Enhance existing ship repair and maritime support uses.
- Provide public access and public open space at the water’s edge.
- Honor and leverage historic resources on the site
- Identify a feasible direction and measures for implementing the vision plan.

During the two-week program the students will develop a series of work products that will eventually be provided to the Port. The following represents the type of work product as a result of the charrette and that will be utilized by the Port as follow-up planning occurs.

- Site analysis summaries
- Exhibits of “lessons learned” from stakeholder interviews and community outreach
- Opportunities and constraints diagrams
- Alternative concepts for future uses of the site, reflecting differing interpretations of regulatory requirements.
- Planning and/or design principles associated with carrying out these various concepts
- Applicable principles for sustainable development (based on the World Environment Day accords to be adopted by San Francisco).
- Concept Plan Scenarios (a maximum of two),
- Final Concept Master Plan
- Phasing/Implementation Strategy

Following the two-week workshop, EDAW will prepare a summary report of the process, including all the exhibits produced during the workshop, and brief descriptions of the process and the outcome. A final presentation of the concept plan will be presented to the Commission at the completion of the program.

Joe Boss indicated that this is an exciting event with EDAW. He was sure that all involved parties will rally together to raise the money needed for the program. It’s money well spent from the Port. The comments that David Beaupre made pretty much encompasses everything that are contained in Mr. Ralph Wilson’s statement, member of the Citizens Advisory Committee for the Central Waterfront. Mr. Boss read it for the record; it states, “Although the internship is free to respond creatively to the site in its different context, it is important for them to absorb and learn from the planning work done in the past. This includes citizen initiated planning which is the Citizens Central Waterfront Plan that was done in 1999. It is important that the internship develop an understanding of what is realistically possible from economic, political and regulatory perspectives. Public trust land use restrictions provide a unique learning opportunity for the interns and their work should be grounded in this reality.”

Toby Levine indicated that the EDAW representatives came to their advisory group meeting last month. They heard a full presentation as to what was going to be accomplished. Everybody on the committee is very supportive of this program; it's a real look to the future. Secondly, John Borg and her had an opportunity to meet with the EDAW reps last week and went over some of the fine details where they may run into trouble, how to avoid it and make contacts with people in the community and make sure that the whole project moves along in a smooth manner and that they all get a lot of worth from it. The community is very excited about it and looks forward to working with EDAW and Port staff. She hopes that the Commission will come to the events that EDAW will be holding.

Commissioner Hardeman commented that what's interesting about this is that, having children especially his two boys who are in their 20s, they have video games and other technologies growing up and the kids get hooked on them. They would put together cities with trees, hospitals, cops and firemen. Young people today have this tremendous advantage and opportunity. Growing up, he and most people never had anything remotely close to what kids have nowadays. Kids today have the opportunity to design cities, forest, stadiums and many others. They learn the concept, the values and how much things cost and what's good and not good for the environment. It's a great opportunity to have young people come in and get their opinion on what should be done. This internship program is a fantastic idea.

ACTION: Commissioner Hardeman moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor; Resolution No. 05-25 was adopted.

6. REAL ESTATE

A. Request approval of lease for surface parking between the Port and Central Parking System, Inc., at Seawall Lots 314, located at the Embarcadero, between Bay and Kearny Streets. (Resolution No.05-26)

Jeff Bauer, Senior Property Manager, presented the item and requested Commission's approval. On July 27, 2004, the Port Commission authorized staff to issue an RFP for the operation of a parking lot. The Port received 28 requests for bid packages and eventually received five bid submittals. On November 3rd, the bids were opened in a public meeting and ranked according to the highest bid. The first bidder was deemed non-responsive because they did not meet the minimum qualifications as detailed in Section 4 of the RFP. The highest bidder became Central Parking Systems. The terms of the lease are as follows:

- The tenant is Central Parking System, Inc., a Tennessee Corporation
- Premises: Approximately 29,946 sq. ft. of SWL 314 bound by Kearny and Bay Streets
- Term: Two years commencing on April 13, 2005 and terminating on April 12, 2007

- Monthly Base Rent: \$23,195 per month with an annual CPI adjustment. The total base rent from the lease will be \$278,340.00
- Percentage Rent: Tenant shall pay the Port the higher of the monthly base rent or percent rent equal to 66% of gross revenues after deducting parking taxes, whichever is the greater amount.

Nan Roth, Telegraph Hill Dwellers, noted that the staff report states that the Port shall retain the right to require the tenant, upon 60 days notice, to make the entirety of SWL 314 available at market rates for parking of vehicles in support of the Piers 27-31 development. She asked what type of use is involved, will it be a permit use, will this lot be turned over for long-term use of Pier 27-31 or will it be offered in an hourly basis as it is currently for the cruise industry. Even in the best of circumstances, the Pier 27-31 project will not likely be completed by the termination of this lease. She also asked how this parking provision will be treated in terms of the ongoing studies regarding the availability of parking in this area for the Pier 27-31 development.

Mr. Bauer replied that the parking lot would be operated as it currently stands, hourly parking, which is the highest and best use of the lot. Planning staff requested for a provision that the Port could exercise upon notice to the tenant requiring them to service the Mills project at market rates. It is a two-year lease; the Mills project may not happen at that time but it was requested by the lease.

Commissioner Hsu indicated that according to the bid ranking list, Imperial Parking's bid was \$23,521 which is higher than the highest bidder. Mr. Bauer replied that was a typographical error; their actual bid was \$21,521.

Diane Oshima, Planning & Development, indicated that a few months ago, Port staff provided the Commission an informational presentation regarding the Embarcadero Transportation Parking Study to assess the parking demand and supply. Looking at the overall projections of growth and development, a number of issues came up from discussions around the Mills project and the Stanford Hotel project. The study is still ongoing. The upshot of the information that staff learned is that depending on what policies the City wants to take about how much transit can be provided and how there can be some kind of a parking management strategy that applies broadly so that it can be effective. There is debate as to whether there is enough parking. If the traditional tools are used to assess parking demand under the current usage patterns, there will be a shortage of parking in the future. Mills is still trying to grapple with the debate that is going on around their project as to whether they have too much parking or not. Some time ago, Mills addressed the idea of looking at potentially parking on SWL 314 as a way of relieving some of the parking that would otherwise be proposed on Piers 27-29. It is somewhat inconsistent with the two-year time frame of this lease since it's highly unlikely that the Mills project will be completed in two years.

Commissioner Brandon asked why the highest bidder was non-responsive. Mr. Bauer replied that they did not meet the minimum qualifications set forth in the RFP. According to the RFP, the bidder must have prior experience of managing 150 contiguous parking spaces and having monthly revenues of \$15,000. When staff met with the highest bidder, they disclosed that they did not have the experience of managing up to 150 parking spaces.

Ms. Moyer added that there was a significant delay from the time the bids were received to today's approval of the lease because of negotiations. The process was slowed down in the beginning as staff tried hard to retain that extra money for the Port. Staff worked with the Human Rights Commission and the City Attorney's office but it was ultimately determined that the highest bidder was deemed non-responsive because they had several opportunities to address the criteria established in the RFP but weren't able to do so.

ACTION: Commissioner Hardeman moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor; Resolution No. 05-26 was adopted.

7. NEW BUSINESS / AGENDA SETTING

Ms. Moyer indicated that with the cancellation of the May 24th Commission meeting, the Commission will meet on April 26, May 10 and won't meet again until June 14.

From the agenda setting list, the Public Utilities Commission will be providing the Commission an informational presentation regarding their plans with respect to the Peaker Plants and the properties that are under the Port's jurisdiction. PUC has been meeting with communities around the City.

It has come to her attention that the Port's Records Retention Policy was never presented nor adopted by the Port Commission. Staff will be presenting that item at the next meeting to comply with the City's Sunshine Ordinance.

The Department of Parking & Traffic, through a private contractor, brings towed cars to Pier 70. DPT has an MOU and leases space with the Port. Their contract with City Tow has expired. Through a bidding process, they now have a new contract with Auto Return. The new contract will be brought to the Board of Supervisors for approval depending upon the use at Pier 70. Staff will seek Commission's approval of the MOU with DPT at the next meeting.

Staff is moving forward with having the living classroom at Heron's Head Park. There was some delay while the Department of the Environment and others looked at other suitable locations around the City. They have subsequently determined that Heron's Head Park is the appropriate place for the living classroom. The living classroom will receive grant money from the Coastal Conservancy. The Conservancy also believes that Heron's Head Park is the most appropriate place for the classroom. Staff is in the process of negotiating the lease and it will be brought to the Commission for approval in May.

Also in May, staff will seek Commission's approval of the new parking stall rates and rental schedule for Fiscal Year 2005-06. The rental rates have not been updated by the Port in two years.

At the June 14th meeting, staff expects to update the Commission on the budget. The Port's budget will be heard at the Board on May 29 and June 1st. If everything stays according to the plan, staff will give the Commission an update about the process.

8. PUBLIC COMMENT

Al Martino, crew member of the USS Iowa from 1951-54, indicated that the Iowa was recommissioned at Hunter's Point in 1951. He is also member of the Iowa Veterans Association which is composed of over 4000 members. It does not include the 10,000 family members who also support the Iowa Veterans Association. He has a very important responsibility to the veterans of the USS Iowa and their families representing them in the endeavor of finding a permanent home for the USS Iowa. He also feels privileged in having the opportunity to stand in front of the Commission to fulfill this responsibility. He asked for San Francisco to be the home of the Iowa. He showed the Commission a directory of names of more than 4000 people, all of which are former crew members of the USS Iowa. They, too, would like San Francisco to be the Iowa's home. He also showed the Commission a book regarding the history of the USS Iowa but it was only an 18-month history of the Iowa. The Iowa has been around since 1940 and it was decommissioned in 1990. There were 2500 people on the ship during that 18 month period of time. Thousands of people served on the Iowa over its 50 year service. He urged the Commission to find a home for the Iowa in San Francisco.

Howard Pearson, USS Navy WWII, showed the Commission a piece of teakwood that was bolted to the deck of the Iowa above a 20-40 inch armor plating when she was first killed in 1940. When she was commissioned in 43, this piece of wood did not bob around the Pacific but it was on the deck. It was symbolic of the tradition and the things which go with the proud Naval, proud Californian, proud San Franciscan and the port. His shipmate had the honor of serving on the ship. The City of San Francisco will be well served to have such a vessel at the wharf where the American people can come, see, walk and touch a battleship of the Iowa Class. There were three others: the Missouri, the Jersey and the Wisconsin who served our country well and faithfully. Tradition tells us to remember those who served and some who gave their lives. The battleship Iowa symbolic from this piece of teakwood is a reminder that we have an obligation. This City can use her to the best advantage. It isn't just a draw but it speaks money, interest and people all over the world would come to the famous city by the bay. He implored on the Commission to consider bringing the battleship from Suisun Harbor to the Port.

Bill Stephens, HSMPS, indicated that they met and had a very productive meeting with BCDC. He learned a lot and understood better their regulatory connection with the Port. They reaffirmed their economic interest in the Iowa and economic benefits derived from that as well as their concerns over environmental issues. They had a very positive discussion on a number of piers. They looked at Pier 27 and understood the constraints of that pier. BCDC affirmed that there were options to meet their compliance concerns and to

place the Iowa there on a temporary basis. They also looked at Pier 35 with BCDC, raised one or two issues and also discussed ways to mitigate the pier. They are appreciative of the economic benefits that the Iowa would bring to neighboring piers particularly Fisherman's Wharf and Pier 39. BCDC got very creative and steered them to Pier 48. BCDC confirmed that they would like to see the ship berth at that pier. They are working on a proposal for the Port. Engineering four piers are bit challenging, at best, in working the economics. They are nearly done with their proposal. He thanked the Commission for their patience in allowing him to be here almost every meeting for the last several months. He hopes to welcome the Commission on board the Iowa some time in the future.

Merylin Wong, HSMPS, indicated that 60 years ago, our nation's four term and only handicapped president passed away. Aside from the bathtub, the battleship itself is a great personal vestige of Franklin D. Roosevelt. May this presidential site one day come to our waterfront. She was allowed by Pier 39 to share with the Commission an endorsement of the USS Iowa. She read Pier 39's letter of support and provided the Commission a copy. On April 25, they are scheduled for their second visit with Thomas J. Vilsak, Governor of Iowa. He was instrumental in the Secretary of the Navy's decision under the Clinton Administration to relocate this ship and enact the legislation that Senators Feinstein and Boxer, Congresswoman Pelosi and the bay area delegation put forward to make possible the USS Iowa's move from Rhode Island to the Bay Area. Port staff may be contacted as to the appropriateness of a letter to Governor Vilsak. She has documentation from the Governor and shared with the Commission his support for the ship to be in California. She invited the Commission to see the ship. She told Commission to expect their invitation to cruise the mothball fleet later on this month. She gave the Commission a picture of the ship.

Paul Gomez indicated that he considers it an honor to speak about the USS Iowa in which he and Al Martino served on from 1951-1954. He is a member of the Veterans Association and he has the responsibility as the director of the executive board. He also represents the HSMPS since he has been working with that organization since 1997. He finds it important to make comments which may be somewhat redundant but the more the Commission hears about their need to have a ship of the Iowa class type in San Francisco, the more they will understand how important it is not only to those who served on that ship but to thousands of veterans who served this country in WWII, the Korean War, etc. It is for them that they would like to save this ship as a memorial to the lives that were given to the incredible fighting stories that he's heard from veterans of WWII, veterans of the Korean War, the 80s group whom they refer to as those who served on the ship last before she was retired for the last time. As many times as the Commission have been told about the Iowa and the pier in San Francisco, he was convinced that the Commission must understand their relentless effort to acquire the battleship for the City. They have repeatedly told the Commission that they are desperate. They need a pier and they don't see how they could get a pier unless they go through the Port, the Mayor and other departments in the City. He asked the Commission to understand that the public comments are made because they feel and are confident that the Navy will award the Iowa to San Francisco when the ship is reclassified to donation status. Mayor Newsom will probably receive numerous emails and snail mail letters asking for his support for a proclamation to berth the Iowa in the waterfront. He needs to make an immediate action on the issue by coordinating his effort with the Port's.

Ernestine Weiss supports the Iowa for all the reasons the speakers spoke about. On another note, she asked the Commission to help the City establish a Business Investment District in the downtown area that would benefit the Port, Muni, etc. and to urge the Mayor to do so. By doing so, there wouldn't be budget cuts in the City. Muni is firing 200 drivers. It could be avoided if a Business Investment District is established.

Francisco Da Costa, Director of Environmental Justice Advocacy, indicated that at the onset, he has always advocated the best for our War Veterans. He served at the Presidio Army Base in San Francisco. Whatever the Commission can do for our veterans, whether it's the Iowa battleship or other ships, the constituents of the City owe it to the veterans. Once again, he reminded the Commissioners to pay very careful attention the environmental impact reports on Pier 98. He has empirical soil sampling data from Geomatrix indicating very high levels of lead, mercury, asbestos and other toxins which are harmful to our children. He keeps coming to the meeting and keeps telling the Commissioners in good faith that it's very important for us not to adversely impact our children. He hopes that the Commission pays attention to his plea.

Commissioner Hsu commented about the postcards of the USS Iowa. People have been talking about it for months but seeing images of the ship helped.

Commissioner Bierman commented that many of her friends served during WWII; many of whom lost their lives. The Iowa could serve as an educational platform and if it is berthed on the waterfront, a case could be made to not have war. It would also be an experience for adults, young people and families to see and visit a battleship. She does not have a clue on how this could be accomplished as far as the financials are concerned but it might be interesting to talk to the Mayor about it.

Ms. Moyer indicated that according to the Historic Vessel Policy that the Commission adopted, the next step in this process is for interested parties to present a proposal to the Commission, just as any developer would. The Port does not have resources to run this type of operation. Staff needs to understand what the use and the economics would be and well as how it will impact the economics of the planned uses that currently exist. The economics in the bay currently are not good. Staff is waiting for this group, the group who wants the ship at Hunter's Point and the group who wants the ship at Treasure Island to put their proposals together so that the three independent agencies can take those proposals to the Mayor and the Board of Supervisor. As Capt. Stephens mentioned they are working with Port Maritime staff to do that but was not sure about the timeline. She's had discussions with the Mayor but she's not able to point to any specificity, any substance, other than tremendous support which at the end of the day, it doesn't ready the pier, it doesn't pay the bills. She's not sure that BCDC, while granting this, wouldn't mitigate it with other expense to the Port. The Port lacks the proposal from which to start. Once the proposals are submitted, staff will provide the information to the Commission and hopefully get the answers to their questions.

9. EXECUTIVE SESSION

A. Vote on whether to hold closed session to confer with Legal Counsel and Real

Property Negotiator.

ACTION: Commissioner Hardeman moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor.

At 4:00 p.m., the Commission withdrew to executive session to discuss the following:

B. CLOSED SESSION

- (1) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.

*This session is closed to any non-City/Port representative.**

- a. Property: Pier 15 and 17 (at Embarcadero)

Person Negotiating: Port: Byron Rhett, Director of Planning & Development

*Exploratorium: Dr. Goéry Delacôte

THIS ITEM WAS TAKEN OFF THE CALENDAR.

- b. Property: Pier 70

Person Negotiating: Port: Mark Lozovoy, Asst. Deputy Director of Real Estate

*Dept of Parking & Traffic: Stuart Sunshine

10. RECONVENE IN OPEN SESSION

ACTION: Commissioner Lazarus moved approval to adjourn executive session and reconvene in open session; Commissioner Brandon seconded the motion. All of the Commissioners were in favor.

ACTION: Commissioner Lazarus moved approval not to disclose any information discussed in executive session; Commissioner Brandon seconded the motion. All of the Commissioners were in favor.

11. COMMUNICATIONS

12. ADJOURNMENT

ACTION: Commissioner Hardeman moved approval to adjourn the meeting; Commissioner Brandon seconded the motion. All of the Commissioners were in favor.

Commission President Wilfred Hsu adjourned the meeting at 5:30 p.m.

SAN FRANCISCO PORT COMMISSION

Wilfred Hsu, President
Michael Hardeman, Vice President
Kimberly Brandon, Commissioner
Sue Bierman, Commissioner
Ann Lazarus, Commissioner

Monique Moyer, Executive Director
Phone: 415-274-0400; Fax: 415-274-0412

Amy Quesada, Commission Secretary
Phone: 415-274-0406; Fax: 415-274-0412

DOCUMENTS DEPT.

APR 22 2005

AGENDA

SAN FRANCISCO
PUBLIC LIBRARY

REGULAR MEETING

3:00 P.M., TUESDAY, APRIL 26, 2005

**PORT COMMISSION HEARING ROOM, SECOND FLOOR
FERRY BUILDING, SAN FRANCISCO, CA 94111**

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk.

1. CALL TO ORDER / ROLL CALL
2. APPROVAL OF MINUTES - April 12, 2005 Meeting
3. EXECUTIVE
 - A. Executive Director's Report
 - Chief Harbor Engineer
 - Pier 64/Mission Bay
 - Friends of City Planning: May 3, 2005 event focusing on "Revitalizing Our Historic Resources"
 - International Museum of Women
 - B. Request for approval and adoption of Port of San Francisco Records Retention and Destruction Policy and Records Retention and Destruction Schedule. (Resolution No. 05-27)
4. NEW BUSINESS / AGENDA SETTING
 - ♦ New Business
 - ♦ Agenda Setting (Targeted Commission meeting, subject to change)

- Informational Presentation by the San Francisco Public Utilities Commission regarding the San Francisco Electric Reliability Project (Peaker Plant) (May 10, 2005)
- Request approval of Resolution Supporting AB 749 (Assemblyman Leno) Limit on Crab Traps in Fishing Game District 10 and South (May 10, 2005)
- Request approval of Memorandum of Understanding between the Port and the Department of Parking & Traffic for tow yard operations at Seawall Lot 349, at Illinois Street between 20th and 22nd Streets. (May 10, 2005)
- Request approval of contract modification to Contract No. 2693 Amador Street improvements. (May 10, 2005)
- Request approval to readvertise for competitive bids the Pier 94 Wetland Enhancement Project (Site location: between Pier 94 and Islais Creek) (May 10, 2005)
- Request approval of lease with Literacy for Environmental Justice at Pier 98 (May 10, 2005)
- Request approval of Rental Rate Schedule (May 10, 2005)
- Request approval of Parking Stall Rates for 2005-06 (May 10, 2005)
- Request approval of third amendment to management agreement with the Fisherman's Wharf Restaurant Association for the Triangle Parking Lot bounded by Jefferson Street, Taylor Street and the Embarcadero at Fisherman's Wharf (May 10, 2005)
- Informational presentation of Port Leasing Procedure Policy (June 14, 2005)
- Request approval of Hyde Street Harbor/Fisherman's Wharf Harbor Berth rate increases for 2005-06 (June 14, 2005)
- Informational Update on the Port's 2005-06 Operating Budget (June 14, 2005)

5. PUBLIC COMMENT

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during New Business/Public Comment. A member of the public has up to three minutes to make pertinent public comments before action is taken on any agenda item and during the new business/public comment period. It is strongly recommended that public comments be submitted in writing so they can be distributed to the Commissioners for their review. Please fill out a speaker card and hand it to the Commission Secretary. If you have any question regarding the agenda, please contact the Commission Secretary at 274-0406.

6. EXECUTIVE SESSION

- A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.
- B. CLOSED SESSION

- (1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTERS. (Discussion and/or Action Items)

- a. Discuss existing litigation matters pursuant to Section (a) of California Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (2 cases):

- Specialty Crushing, Inc., a California Corporation vs. City and County of San Francisco et al. Superior Court No. 437-349.
- In re Pacific Gas and Electric Company, United States Bankruptcy Court, Northern District of California, San Francisco; Case No. 01 30923 DM.

- (2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.

*This session is closed to any non-City/Port representative.**

- a. Property: Pier 15 and 17 (at Embarcadero)
Person Negotiating: Port: Byron Rhett, Director of Planning & Development
*Exploratorium: Dr. Goéry Delacôte

Under Negotiation: _____ Price _____ Terms of Payment X Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 15 and 17.

- b. Property: Pier 39
Person Negotiating: Port: Monique Moyer, Executive Director
*Aquarium by the Bay: John Frawley

Under Negotiation: _____ Price _____ Terms of Payment X Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 39.

- c. Property: Pier 70
Person Negotiating: Port: Brad Benson, Special Projects Manager
*Dept of Parking & Traffic: Stuart Sunshine

Under Negotiation: _____ Price _____ Terms of Payment X Both
An executive session has been calendared to give direction to staff regarding real estate negotiations for Port property located at Pier 70.

7. RECONVENE IN OPEN SESSION

- A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
- B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

8. COMMUNICATIONS

Communications to the Port Commission received from April 7, 2005 to April 21, 2005:

- From the American Association of Port Authorities, invitation to the Special Seminar for Members of Public Port Authority Governing Boards and Commission on May 18-20, 2005
- From Port staff, regarding leases executed pursuant to Port Commission's Leasing Parameters Policy (March 2005)
- From Paul Gomez, Director and Liaison, Veterans Association of the USS Iowa, regarding the USS Iowa
- From Merylin Wong, Historic Ships Memorial at Pacific Square (HSMPS), letter from Pier 39 regarding the USS Iowa
- From Merylin Wong, HSMPS, letter from Michael Bianco, regarding the USS Iowa
- From Bill Stephens, HSMPS, proclamation from the Governor of Iowa regarding the USS Iowa
- From Chris Yelton, International Museum of Women, regarding termination of its Exclusive Right to Negotiate agreement with the Port at Pier 26
- From Senator Don Perata, regarding Prop 42 and request for Commission's email addresses
- From Merylin Wong, HSMPS, invitation to visit the USS Iowa in Suisun Bay
- From Susan Gilbert, regarding the proposed Embarcadero Hotel
- From Shelby & Carol Bonnie and Richard Moe of the National Trust for Historic Preservation, invitation to a reception to welcome new Director, Anthea Hartig, Ph.D.
- From Headsets.com, wireless headset offer

9. ADJOURNMENT

APRIL/MAY/JUNE 2005
CALENDAR OF UPCOMING PORT MEETINGS - OPEN TO THE PUBLIC

| Date | Time | Group | Location |
|------------------|-------------|-----------------|--|
| April 26 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |
| May 10 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |
| May 24 Cancelled | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |
| June 14 | 3:00 p.m. | Port Commission | Port Commission Room @ Ferry Building |

NOTES:

The San Francisco Port Commission meets regularly on the 2nd and 4th Tuesday of the month at 3:00 p.m., unless otherwise noticed. *The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com.* Contact Amy Quesada at 274-0406.

The Cruise Terminal Environmental Advisory Committee generally meets the third week of each month. Date and time to be determined. Contact Michael Nerney at 274-0416.

The Environmental Quality Advisory Committee (EQAC) meets regularly on the fourth Thursday of the month at 9:00 a.m. at Scoma's Restaurant, Pier 47 @ Fisherman's Wharf. Contact Jay Ach @ 274-0562.

The Fisherman's Wharf Waterfront Advisory Group meets regularly on the 3rd Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Kirk Bennett @ 274-0545.

The Maritime Commerce Advisory Committee (MCAC) meets on a bi-monthly basis, on the third Thursday of the month, from 11:30 a.m. to 1:30 p.m. @ Pier 1. Contact Jill Rodby @ 274-0519.

The Mission Bay CAC meets regularly on the 2nd Thursday of the month, from 5:30 to 7:30 p.m. at the Mission Bay Visitor Center (255 Channel Street). Contact Tom Evans, Redevelopment Agency, at 749-2539 or tom.evans@sfgov.org for more information.

The Northeast Waterfront Advisory Group meets regularly on the 1st Wednesday of the month at 4:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Kirk Bennett @ 274-0545.

The Central Waterfront Advisory Group meets monthly on an as-needed basis generally on the 3rd Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 705-8674 or via email @ Mark_Paez@sfport.com.

The Rincon Point-South Beach CAC meets regularly on the 3rd Monday of the month, from 5:00-7:00 p.m. at the South Beach Yacht Club (Pier 40 on The Embarcadero). Contact Tom Evans, Redevelopment Agency, at 749-2539 or tom.evans@sfgov.org for more information.

The Southern Waterfront Advisory Committee (SWAC) meets every last Wednesday of the month from 6:15 to 8:15 p.m. Location to be determined. Contact David Beaupre @ 274-0539 or david_beaupre@sfport.com.

The Waterfront Design Advisory Committee meets jointly with BCDC's Design Review Board on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. or the Committee meets as needed on the 3rd Tuesday of the month from 11 a.m. to 1 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 274-0625.

The Port Permit Appeals Committee meets regularly on the first Thursday of June and December of the year. For further information contact Ed Byrne at 274-0570 or Dan Hodapp at 274-0625.

ACCESSIBLE MEETING INFORMATION

Ferry Building: The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots:

- A) 3 spaces in the surface lot on the west side of the Embarcadero at Washington St.
- B) 3 spaces in the Pier 1/2 lot, located on the east side of the Embarcadero between the Ferry Building and Pier 1. During business hours this lot is operated by valets.
- C) Hourly and valet parking in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa.

Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington St., Folsom St. & Drumm St.

Pier 1:

The Port's fully accessible offices are in the west end of Pier 1. There are two public entrances; the main entrance on the west (Embarcadero), and the Port History walk entrance on the south apron. Each of these entrances is provided with an automatically operated door. Both entrances lead to the Bayside conference rooms. Accessible public restrooms, drinking fountains, payphone and TTY are on the first floor near the main entrance. The public spaces of the Port's offices are equipped with remote infrared signage (Talking Signs) identifying all primary entrances, paths of travel, meeting rooms and amenities. Accessible seating areas and assistive listening devices will be available in the Bayside Conference rooms.

Accessible meeting information policy:

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals. A sign language interpreter and alternative format copies of meeting agendas and other materials can be provided upon request made at least 72 hours in advance of any scheduled meeting. Contact John Scott, Port's ADA Coordinator, at 274-0571. The Port's TTY number is (415) 274-0587.

Know Your Rights Under the Sunshine Ordinance. Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Adele Castro by mail: Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at sotf@sfgov.org. Citizens interested in obtaining a free copy of the Sunshine Ordinance can request a copy from Ms. Destro or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine/>

Lobbyist Registration and Reporting Requirements. Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.

MEMORANDUM

April 21, 2005

TO: MEMBERS, PORT COMMISSION
Hon. Wilfred Hsu, President
Hon. Michael Hardeman, Vice President
Hon. Kimberly Brandon
Hon. Sue Bierman
Hon. Ann Lazarus

FROM: Monique Moyer
Executive Director



SUBJECT: Request for Approval and Adoption of Port of San Francisco Records Retention and Destruction Policy and Records Retention and Destruction Schedule

DIRECTOR'S RECOMMENDATION: APPROVE AND ADOPT PROPOSED RECORDS RETENTION AND DESTRUCTION POLICY AND SCHEDULE IN ACCORDANCE WITH THE POLICY

Introduction and Background:

Port staff requests Commission approval and adoption of the proposed Port of San Francisco Records Retention and Destruction Policy. Proposition G, enacted by the voters in 1999, amended Chapter 67 of the San Francisco Administrative Code, and requires that the City prepare an index of records that identifies the types of information and documents maintained by the departments and Commissions. Under Section 67.29 of the Administrative Code, the City Administrator is responsible for maintaining such an index on an internet site for use by the public, City officials, and staff.

In addition, Section 8.3 of the Administrative Code requires that each department prepare a schedule for systematic retention and destruction of the department's records, in accordance with the classification of records as "current records," "storage records," and "permanent records." Each department's records retention schedule must be submitted for approval by the Controller (as to records pertaining to financial matters), the Retirement Board (as to payroll checks, time cards, and related records), and the City Attorney's Office (as to records with legal significance).

To comply with these requirements, the Port's Administrative staff developed a Records Retention and Destruction Policy in 2000, outlining the general policies governing the Port's policies for

retention, storage, and destruction of Port business records. In addition, the Port staff prepared a Records Retention and Destruction Schedule (or index) to indicate the specific time periods for retention and destruction of various records, by specific category, and thereby satisfy Section 8.3 of the Administrative Code. The Policy and Schedule are attached to this report and have been in use by staff on an operational basis. However, the Policy and Schedule have not been presented to the Port Commission for approval, which staff seeks at this time.

Upon approval of the Port's Records Retention and Destruction Policy and Schedule, staff will seek approval from the Controller, the Retirement Board, and the City Attorney's Office, as specified by the Administrative Code. Furthermore, the information in the Port's Records Retention and Destruction Schedule will be submitted to the City Administrator for inclusion on the City's internet site for public records.

Summary:

Port staff recommends that the Commission approve and adopt the Port of San Francisco Records Retention and Destruction Policy and Schedule, and authorize staff to seek approval of these documents from the Controller, Retirement Board, and City Attorney's Office, as outlined herein. Staff also seeks Commission authorization for the Executive Director to make any future changes or modifications to the schedule that are consistent with the policy, subject to approval by the Controller, Retirement Board, and City Attorney's Office.

Prepared by: Renée Dunn,
Communications Manager

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 05-27

- WHEREAS, Proposition G, approved by the voters in 1999, amended Chapter 67 of the San Francisco Administrative Code, to require that the City prepare an index of records to identify the types of information and documents maintained by the departments and Commissions; and
- WHEREAS, Section 8.3 of the Administrative Code also requires that each department head prepare a schedule for systematic retention and destruction of the department's records, in accordance with the classification of records as "current records," "storage records," and "permanent records;" and
- WHEREAS, The Port Administrative staff developed a Records Retention and Destruction Policy in 2000, outlining the general policies governing the Port's policies for retention, storage, and destruction of Port business records, and, in addition, staff prepared a Records Retention and Destruction Schedule which provides for the systematic retention and destruction of various records, by specific category; and
- WHEREAS, Port staff desires to submit the Records Retention and Destruction Policy and Schedule for approval by the Controller as to records pertaining to financial matters; the Retirement Board as to payroll checks, time cards, and related records; and the City Attorney's Office as to records with legal significance, as required by Section 8.3 of the Administrative Code; and
- WHEREAS, Upon approval, the information in the Port's Records Retention and Destruction Schedule will be submitted to the City Administrator for inclusion in the City's internet site for public records, as specified by Section 67.29 of the Administrative Code; now therefore, be it
- RESOLVED, The San Francisco Port Commission hereby approves and adopts the Port of San Francisco Records Retention and Destruction Policy and Schedule, and authorizes staff to seek approval of these documents from the Controller, Retirement Board, and City Attorney's Office; and be it further
- RESOLVED, That the Executive Director is hereby authorized to make such further changes and modifications to the Records Retention and Destruction Schedule that are consistent with the Records Retention and Destruction Policy, subject to approval by the Controller, Retirement Board, and City Attorney's Office.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of April 26, 2005.

Secretary

Port of San Francisco Records Retention & Destruction Policy

A. Retention Policy

This Record Retention and Destruction Policy has been adopted by the Port of San Francisco pursuant to Chapter 8 of the San Francisco Administrative Code, which requires each department head to develop a written policy which sets forth a written schedule for the systematic retention and destruction of the departments records. This policy supercedes all previous records retention and destruction policies issued by the Port of San Francisco (hereinafter "Port"). This policy covers all records and documents, regardless of physical form or characteristics, which have been made or received by the Port in connection with the transaction of public business.

B. Records Defined

The Port shall retain records for the period of their immediate or current use, unless longer retention is necessary for historical reference, or to comply with contractual or legal requirements, or for other purposes as set forth below. For purposes of record retention and destruction, the term "record" is defined as set forth in Section 8.1 of the San Francisco Administrative Code, and includes any paper, book, photograph, film, sound recording, map drawing or other document, or any copy thereof, made or received by the department in connection with the transaction of public business and retained by the department as: 1) evidence of the department's activities, 2) for the information contained in it, or 3) to protect the legal or financial rights of the City or of persons directly affected by the activities of the City.

C. Classification of Records

The records of the Port shall be classified for purposes of retention and destruction as follows:

Category 1: Permanent Retention. Records that are permanent or essential shall be retained and preserved indefinitely.

- **Permanent Records:** Permanent records are records required by law to be permanently retained and which are ineligible for destruction unless they are microfilmed or placed on an optical imaging system and special measures are followed. (S.F. Administrative Code Section 8.4.) Once these measures are followed, the original paper records and duplicate copies may be destroyed when they are no longer necessary for the efficient operation of the Port.
- **Essential Records:** Essential records are records essential to the continuity of government and the protection of rights and interests of individuals. (S.F. Administrative Code Section 8.9.) Examples of essential records include

building permits and property ownership maps. Essential Records must be preserved against possible destruction by fire, earthquake, etc. Essential records shall be treated and stored in the same manner as "permanent records." (S.F. Administrative Code Section 8.9.)

- Historical Records: Historical records are records which are no longer of use to the Port but which because of their age and/or research value may be of historical interest or significance. These records should be maintained indefinitely or should be disposed of in accordance with the procedures set forth in S.F. Administrative Code Section 8.7.

Category 2: Current Records. Current records which for convenience, ready reference or other reason are retained in office space and equipment. Current records shall be retained as follows:

- Where retention period specified by law. Where federal, state or local law prescribes a definite period of time for retaining certain records, the Port will retain the records for the period specified by law. Examples include, Conflict of Interest Form 700 retained 7 years pursuant to Gov. Code §81009(e); Accident-Injury reports retained 5 years pursuant to 29 CFR 1904.6.
- Where no retention period specified by law. Where no specific retention period is specified by law, the retention period for records that the Port is required to maintain shall be specified in the attached Records Retention and Destruction Schedule. Records shall be retained for a minimum of 2 years, although such records may be treated as "storage records" and placed in storage at any time during the applicable retention period.

Category 3: Storage Records. Storage records are those which need not be retained in the office space and equipment of the department, but which are retained offsite. These records are subject to the same retention requirements as current records.

Category 4: No Retention Required. Documents and other materials that do not fall within the definition of "records" under Administrative Code Section 8.1 need not be retained unless retention is otherwise required by local law or by the attached Record Retention and Destruction Schedule. They include phone message slips, e-mails that do not contain information that is required to be retained under this policy, miscellaneous correspondence not requiring action, notepads, and chronological files. Similarly, periodicals or publications received by a department that are not of historical significance may be destroyed. Duplicate copies of documents may be destroyed provided that the appropriate City department has retained the original. With one exception, drafts of documents that have been superseded by later drafts or a final version need not be retained. Drafts of agreements which Port staff are negotiating with another party must be retained for public review prior to approval by the Commission.

D. Retention and Destruction of Records

The Port shall prepare a schedule for the systematic retention and destruction of its records consistent with this policy.

Current and Storage Records More Than Two, But Less Than Five Years Old:

These records may be destroyed or otherwise disposed of under the following conditions:

1. if their destruction will not be detrimental to the Port or City or defeat any public purpose; and
2. if a definitive description of such records and the retention period applicable to them are set forth in a records retention schedule that is approved by the Port Director, the Port Commission and approved by the City Attorney for records of legal significance, by the Controller for records relating to financial matters, by the Retirement Board for time rolls, time cards, payroll checks and retirement-related matters.

Current and Storage Records More Than Five Years Old

These records may be destroyed if they have served their purpose and are no longer required for any public business or other public purpose. However, records pertaining to financial matters shall be destroyed only after approval by the Controller; those having legal significance only after approval by the City Attorney; and payroll checks, time cards and retirement-related documents only after approval by the Retirement Board.

Permanent and Essential Records

These records shall not be destroyed. Paper records may be destroyed if the permanent or essential records have been microfilmed or placed on optical imaging storage system in accordance with S.F. Administrative Code Section 8.4.

E. Pending Claims and Litigation

The retention periods set forth herein and in the attached schedule shall not apply to materials that are otherwise eligible for destruction, but which may be relevant to a pending claim or litigation against the City. Once the Port becomes aware of the existence of a claim or litigation against the City, the Port should retain all documents and other materials related to the claim or litigation until such time as the claim or litigation has been resolved. Where the Port has reason to believe that one or more departments also have records relating to the claim or litigation, those departments should also be notified of the need to retain such records.

F. Materials of Historic Significance

Before any book, document, photograph, map, architectural drawing, record, bond certificate, or other material of historical significance is destroyed, the Port will observe the following procedure:

1. It shall be offered by the Port to the San Francisco History Room of the San Francisco Library.
2. Items not accepted by the Library may be sold by the office of the Mayor under provision of Section 8.12-2 of the Administrative Code.
3. Any items not accepted by the Library and remain unsold may be offered to any historical society.
4. After all steps outlined above have been observed, any remaining historical records, as well as any large volume of records without historic significance which are to be destroyed, shall be offered for sale by the City Purchaser.

F. Records Storage

The use of storage areas listed below is limited to Port records and under no circumstances may include personal belongings of any sort be stored.

Location

The Port will contract with a vendor for storage and destruction of other than Current Records, which are retained in the Port offices.

Record Retention and Destruction Schedule

All Port records that are to be retained must be listed on this schedule by the responsible Port department. The Business Services Section of the Port will utilize this schedule as the basis for destruction of stored records.

Organizing Records Storage

All records within the same box destined for storage should have the same destruction date.

APPROVALS:

Approved by San Francisco Port Commission

Monique Moyer
Executive Director

Date Approved
[by Commission]

Approved as to Records Relating to Financial Matters:

Ed Harrington
Controller

Controller Staff

Date Approved

Approved as to Records of Legal Significance:

Louise H. Renne
City Attorney

Deputy City Attorney

Date Approved

Approved as to Records Relating to Payroll Matters:

Clare M. Murphy
Executive Director,
Retirement System

Date Approved
by the Retirement Board

EXECUTIVE OFFICE & PORT COMMISSION

RECORD RETENTION AND DESTRUCTION SCHEDULE

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|---|--|------------------|----------|-----------|--|
| | | Total | Current | Storage | |
| EXECUTIVE DIRECTOR | | | | | |
| Correspondence/ Chronological Files | Current | 10 years | 5 years | 5 years | |
| Calendar Prop G | Current | 2 years | 2 years | - | As required by Prop G |
| | | | | | |
| PORT COMMISSION | | | | | |
| Meeting Minutes | Permanent | Permanent | 10 years | Permanent | |
| Motions & Resolutions (under 5 years old) | Permanent | Permanent | 10 years | Permanent | |
| Motions & Resolutions (over 5 years) | Permanent (Historical) | Permanent | 10 years | Permanent | |
| Audio/Video Recordings of Meetings | Permanent | Permanent | 10 year | Permanent | As required by Administrative code |
| Meeting Agendas & Notices | Permanent | Permanent | 10 years | Permanent | |
| Commission Packets (e.g. agenda, staff reports, & resolutions) | Permanent | Permanent | 10 years | Permanent | |
| Commissioner/Communication Files | Permanent | Permanent | 10 years | Permanent | |
| | | | | | |
| | | | | | |

PUBLIC RELATIONS

RECORD RETENTION AND DESTRUCTION SCHEDULE

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|----------------------------------|--|------------------|---------|-----------|--|
| | | Total | Current | Storage | |
| Public Records Requests | Storage | 5 years | 2 years | 3 years | |
| Citizens Complaints | Storage | 5 years | 2 years | 3 years | |
| Annual Reports | Permanent | Permanent | 5 years | Permanent | |
| Photo Library | Permanent | Permanent | 5 years | Permanent | |
| Articles (under 5 years old) | Current | 5 years | 5 years | - | |
| Articles (more than 5 years old) | Permanent (Historical) | Permanent | - | Permanent | |
| Press Releases | Storage | 5 years | 2 years | 3 years | |
| Audio/Video Recordings (News) | Storage | 5 years | 2 years | 3 years | |
| Request for Proposals (RFPs) | Current | 2 years | 2 years | | |
| | | | | | |
| | | | | | |

GOVERNMENT AFFAIRS

RECORD RETENTION AND DESTRUCTION SCHEDULE

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|---|--|---|---------|-----------|--|
| | | Total | Current | Storage | |
| Board of Supervisors Legislation (leases, mandates, financial) | Storage | Permanent | 2 years | Permanent | |
| Board of Supervisors Inquiries | Storage | 5 years | 2 years | 3 years | |
| Grant Applications & Agreements | Storage | 8 years | 3 years | 5 years | Store for 5 years after completion of grant. |
| Grant Funding Sources | Current | Minimum 3 years after grant funding source expires | 2 years | Varies | Keep until 3 years after grant funding source expires. |
| State Legislation impacting Port | Current | 4 years | 1 year | 3 years | |
| Federal Legislation or Regulation impacting Port | Current | 2 years | 2 years | 2 years | |
| Industry Updates/Background Info (AAPA, CAPA, PMA) | Current | 2 years | 2 years | - | |
| Federal Cruise Ship Legislation | Permanent | Permanent | 1 year | Permanent | |
| First Source Hiring | Current | 3 years | 1 year | 2 years | |

| | | | | | |
|------------------------------------|---------|-----------|---------|-----------|--|
| Photos Re: Port activities | Storage | Permanent | 3 years | Permanent | |
| | | | | | |
| Chronological/Correspondence Files | Storage | 3 years | 2 years | 1 year | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

ENGINEERING

RECORD RETENTION AND DESTRUCTION SCHEDULE

Current – Retained in Office
Storage – Retained Off-Site
Historical – Permanently Retained unless Destroyed through Special Procedures

Permanent – Permanently Retained
Essential – Permanently Retained in Disaster-Proof Containers

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|---|--|---|------------------------------------|----------|---|
| | | Total | Current | Storage | |
| CONTRACT RECORDS | | | | | |
| RFPs/Proposals | Current | 5 years | Retained as long as being utilized | Varies | 5 years after completion |
| Bid Documents & Bid Submittals (1) Construction (2) Professional Services | Storage | 5 years | Retained as long as being utilized | Varies | 5 years after completion |
| Contract Specifications | Permanent | Infinite | 1 year | Infinite | Once microfilmed and in electronic format, discard per Port Policy |
| | Permanent | Infinite | 1 year | Infinite | Once microfilmed and in electronic format, discard per Port Policy |
| Contract Drawings | Permanent | Infinite | 1 year | Infinite | Once microfilmed and in electronic format, discard per Port Policy |
| As-Built Drawings | Permanent | Infinite | 1 year | Infinite | Once microfilmed and in electronic format, discard per Port Policy |
| Project Information: Meeting notes, schedules & misc. project info. | Current | 20 years | Retained as long as being utilized | Varies | 20 years after completion, when no longer required |
| Contract Files/Folders: (1) Construction (2) Professional Services | Current | 20 years after completion or 20 years after contract expiration; whichever is greater | Retained as long as being utilized | Varies | 20 years after completion or 20 years after contract expiration; whichever is greater |

| | | | | | |
|---------------------------------|---------|---|------------------------------------|--------|---|
| Personal Service Contract Files | Current | 20 years after completion or 20 years after contract expiration; whichever is greater | Retained as long as being utilized | Varies | 20 years after completion or 20 years after contract expiration; whichever is greater |
|---------------------------------|---------|---|------------------------------------|--------|---|

| PERMIT RECORDS | | | | | |
|--|-----------|----------|------------------------------------|--------|--|
| Permit Applications | Permanent | Infinite | Retained as long as being utilized | Varies | Upon cancellation, expiration or final approval – microfilm, scan & destroy |
| Permit Calculations | Permanent | Infinite | Retained as long as being utilized | Varies | Upon cancellation, expiration or final approval – microfilm, scan & destroy |
| Job Record Cards | Permanent | Infinite | Retained as long as being utilized | Varies | Upon cancellation, expiration or final approval – microfilm, scan & destroy. |
| Approved Drawings Certificate of Final Completion (CFC) | Permanent | Infinite | Retained as long as being utilized | Varies | Upon cancellation, expiration or final approval – microfilm, scan & destroy |

| REFERENCE MATERIAL RECORDS | | | | | |
|--|----------------------|-----------------------------------|------------------------------------|------------------------------------|--|
| Port Original Drawings created before 1995 | Permanent (Historic) | Infinite | Retained as long as being utilized | Infinite | Permanent (Historic) |
| Soils Report/Studies | Permanent | Infinite | Retained as long as being utilized | Infinite | Once microfilmed and in electronic format, discard per Port Policy |
| Facility Condition Surveys | Permanent | Infinite | Retained as long as being utilized | Infinite | Once microfilmed and in electronic format, discard per Port Policy |
| MOU's & Agreements w/ other Public Agencies. | Permanent | Infinite | Retained as long as being utilized | Infinite | Once microfilmed and in electronic format, discard per Port Policy |
| CODE BOOKS: Uniform Building Code, Fire Code, Municipal Code, Calif. Building Code.... | Permanent | Infinite | Retained as long as being utilized | Infinite | Permanent |
| Contact Data: Address, telephone numbers, mailing lists. | Current | | Retained as long as being utilized | | When superceded or no longer utilized. |
| FEMA/OES documents: DSRs, reports, correspondence files. | Storage | 10 years after project completion | Retained as long as being utilized | 10 years after project completion | 10 years after project completion |
| Lease Maps, Utility Maps, Property Ownership Maps, Facility Maps, Waterfront Maps, Strip Maps. | Current | Infinite | Continuously in-use | Retain one copy per year, infinite | Once microfilmed and in electronic format, discard per Port Policy |
| OUTSIDE AGENCIES (non Port): Plans | Permanent | | Retain as long as being utilized | Infinite | Once microfilmed and in electronic format, destroy |
| REFERENCE MATERIALS: Catalogs, Product binders, Reference samples, Handbooks, Manuals. | Current | | Retain as long as being utilized | | When superceded or no longer utilized |

ENVIRONMENTAL HEALTH AND SAFETY SECTION

RECORD RETENTION AND DESTRUCTION SCHEDULE

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|---|--|---|--|--|--|
| | | Total | Current | Storage | |
| Employee exposure monitoring (air, noise, etc.), Medical clearance, Personal Protective Equipment, etc. | Current | Duration of employment plus 30 years, 50 years, or life of employee; whichever is greater | Duration of employment | 30 years after employment, 50 years, or life of employee, whichever is greater | 8 CCR 3204 |
| Health and Safety Inspection | Current | 3 years | 3 years | | Port Safety Program (IIPP) |
| Training/Safety Meeting Records | Current | 5 years | 5 years | | Port Safety Program (IIPP) |
| Hazardous Materials Inventories | Current | 32 years | While current (no longer than 2 years) | 30 years | 8 CCR 3204 |
| Shop Operations Data | Current | Until superseded | Until superseded | | |
| Equipment calibration and maintenance records | Current | | | | Destroy when equipment is permanently taken out of service |
| Chronological Correspondence | Current | 2 Years | 2 Years | | |
| Occupational Injury & Illness Records | Current | 5 Years | 5 Years | | 5 years from end of calendar year in which case becomes inactive |
| Health & Safety Policies | Current | | | | Destroy when superseded or policy and related documentation no |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|--|--|------------------|----------|-----------|---|
| | | Total | Current | Storage | |
| Hazardous Materials Unified Program Agency Permits | Current | 2 years | 2 years | | longer relates to current operations. |
| Hazardous Waste Manifests/Bills of Lading | Permanent | Permanent | 10 years | Permanent | |
| Stormwater Records | Current | 10 years | 5 years | 5 years | |
| Property Information (Inspections, Lease Issues, Hazardous Materials, Permits, Asbestos & Lead, Tanks, etc.) | Permanent | Permanent | | | To offsite storage when property is demolished or is no longer under Port control |
| Dredging sampling & analysis | Permanent | Permanent | 10 years | Permanent | |
| Dredging permits, approvals, completion reports | Permanent | Permanent | 10 years | Permanent | |
| Site characterization, remediation, monitoring reports | Permanent | Permanent | | | To off-site storage when property is no longer under Port control. |

FINANCE & ADMINISTRATION

RECORD RETENTION AND DESTRUCTION SCHEDULE

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION — INSTRUCTION OR TRIGGER |
|--|--|--|-----------|-----------|--|
| | | Total | Current | Storage | |
| HUMAN RESOURCES DIVISION | | | | | |
| AA/EEO Files | Storage | 8 | 3 | 5 | Advice of DHR staff |
| Class Specifications | Permanent | Permanent | 3 | Permanent | |
| Classification Files | Permanent | Permanent | Permanent | Permanent | |
| Collective Bargaining Agreements and Memoranda of Understanding | Essential | Indefinite | 1 | Varies | |
| Complaint Files | Current | 3 | 3 | N/a | After resolution |
| Correspondence Files | Current | 8 | 3 | 5 | |
| Discrimination Complaints | Current | 50 years or life of employee, whichever is less | Varies | Varies | 50 years or life of employee, whichever is less; unless related to pending claim or litigation |
| DMV Pull Notice Administrative Files (Confidential) | Current | Varies | Varies | Varies | Until replaced by new record |
| Drug Testing Administrative Files (Confidential) | Current | 5 years | 3 | 2 | Federal Register, Vol 59, No 31, Section 382.401 |
| Employee Identifications | Current | Varies | Varies | N/a | 5 years after separation |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION OR INSTRUCTION OR TRIGGER |
|--|--|---|-----------|---|---|
| | | Total | Current | Storage | |
| Employment History Cards | Permanent | Permanent | Permanent | N/a | |
| Employment History Summaries for Employees Transferred to Other City Agencies or Separated from City Service | Permanent | Permanent | Permanent | N/a | Not to be destroyed per Civil Service Commission policy |
| Examination Announcement /Eligible List Files | Permanent Storage | Permanent 5 | 5 | Permanent 2 | |
| - Port Classes | | | 3 | | |
| - Other Classes | | | | | |
| Examination Administrative Files | Current | Varies | Varies | N/a | Until next exam in same class held |
| Family Medical Leave Act Administrative Files (Confidential) | Current | 50 years or life of employee, whichever is less | 3 | 47 years or life of employee, whichever is less | Fair Labor Standards Act, Sec 11c and DHR policy (Notification forms with no medical information reside in Personnel Files) |
| Grievances | Current | Varies | Varies | N/a | 3 years after resolution |
| INS 1-9 Administrative Files | Current | Varies | Varies | N/a | 1 year after separation or 3 years after date of hire, whichever is later |
| Lists of Announcements Distributed | Current | 2 | 2 | N/a | |
| Medical Administrative Files (Confidential) | Storage | 50 years or life of employee, whichever is less | Varies | Varies | |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION OR INSTRUCTION OR TRIGGER |
|--|--|---|-----------|---|---|
| | | Total | Current | Storage | |
| Miscellaneous employment-related reports | Current | 2 | 2 | | |
| Monthly Reports | Current | 2 | 2 | N/a | |
| Personnel Files — Current Employees (Confidential) | Current | 50 years or life of employee, whichever is less | Varies | Varies | |
| Personnel Files—Separated Employees (Confidential) | Current | 50 years or life of employee, whichever is less | 5 | 45 years or life of employee, whichever is less | |
| Personnel Requisitions | Current | Varies | Varies | N/a | No longer receive paper copies. DHR PeopleSoft Program maintains electronic records |
| Position Control Cards | Permanent | Permanent | Permanent | N/a | |
| Resumes | Current | 2 | 2 | N/a | |
| Selection Files (Confidential) | Current | Varies | Varies | 3 | When replaced by new selection |
| Sexual Harassment Complaints | Storage | 50 years or life of employee, whichever is less | 2 | 48 years or life of employee, whichever is less | |
| Tapes of Examination Interviews | Current | Varies | Varies | N/a | 6 months after list adopted. DHR policy |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION OR INSTRUCTION OR TRIGGER |
|---|--|---|---------|---|---|
| | | Total | Current | Storage | |
| Workers' Compensation Administrative Files | Current | 50 years or life of employee, whichever is less | 3 | 47 years or life of employee, whichever is less | Safety Officer has original files |
| PAYROLL RECORDS | | | | | |
| Annual Salary Ordinance | Current | 2 years | 2 | 0 | Upon expiration of usefulness |
| City-wide Compensation Manual | Current | 2 years | 2 | | Upon expiration of usefulness |
| Controller-generated Payroll Reports | Permanent | Indefinite | 5 | Indefinite | Destruction of records requires approval of the S.F. Employee Retirement System |
| Decentralized Port payroll records (pre-PPSD), including registers and cancelled checks | Permanent | Indefinite | | Indefinite | Destruction of records requires approval of the S.F. Employee Retirement System |
| Payroll Adjustments and Problem Description Forms | Permanent | Indefinite | 5 | Indefinite | Destruction of records requires approval of the S.F. Employee Retirement System |
| PERS Retirement Records | Permanent | Indefinite | | Indefinite | Destruction of records requires approval of the S.F. Employee |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|---|--|------------------|---------|------------|---|
| | | Total | Current | Storage | |
| | | | | | Retirement System |
| Personnel Action Requests (PARs) | Permanent | Indefinite | Varies | Indefinite | Upon separation from employment, moves to the Personnel File |
| PPSD-generated reports (Anacomp) | Permanent | Indefinite | | | Stored on microfiche thru late 90's; stored on CD thru 1/28/05; electronically by PPSD thereafter. Destruction of records requires approval of the S.F. Employee Retirement System. |
| Problem Description Forms, Lump Sum Settlements and Adjustments | Permanent | Indefinite | 5 | Indefinite | Destruction of records requires approval of the S.F. Employee Retirement System |
| State Belt Railroad Retirement Reports | Permanent | Indefinite | | Indefinite | Destruction of records requires approval of the S.F. Employee Retirement System |
| State time rolls and registers (1969 and prior | Permanent | Indefinite | | Indefinite | Destruction of records requires approval of the S.F. Employee Retirement System |
| Time Rosters and time roll report (Oracle) | Permanent | Indefinite | 5 | Indefinite | Destruction of records requires approval of the S.F. Employee Retirement System |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION OR INSTRUCTION OR TRIGGER |
|-----------------------------------|--|------------------|---------|------------|---|
| | | Total | Current | Storage | |
| Weekly Time Sheets | Permanent | Indefinite | 5 | Indefinite | Destruction of records requires approval of the S.F. Employee Retirement System |
| | | | | | |
| GENERAL ADMINISTRATIVE | | | | | |
| Budget Prep & Expenditure Records | Current | 3 | 3 | N/a | |
| Expenditure Approvals | Current | 2 | 2 | N/a | |
| Mou's With City Departments | Permanent | Indefinite | Varies | Indefinite | |
| Port Newsletter | Storage | 7 | 2 | 5 | |
| Strategic Plan | Permanent | Indefinite | 5 | Indefinite | |
| Organization Chart | Current | Varies | Varies | N/a | Maintained in budget document. |
| Emergency Response Reports | Current | 2 | 2 | N/a | |
| Insurance Schedules | Storage | 8 | 3 | 5 | |
| Insurance Claims | Storage | 8 | 3 | 5 | |
| Status Reports | Current | 2 | 2 | N/a | |
| Correspondence | Current | 2 | 2 | N/a | |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|---|--|------------------------------------|---------|-----------|--|
| | | Total | Current | Storage | |
| Contact Information | Current | 2 | 2 | N/a | Continually updated |
| MBE/WBE Files | Storage | 5 | 3 | 2 | — |
| Personal Service Contract Files | Storage | 20 years after contract expiration | 3 | 17 | |
| RFP's | | | | | |
| - RFP | Storage | 5 | 2 | 3 | |
| - Analysis | Current | 3 | 3 | N/a | |
| Conflict of Interest Statements (Form 700) | Storage | 7 | 2 | 5 | Government Code § 81009(e) |
| Injury & Accident Reports | Current | 5 | 5 | | |
| | | | | | |
| FINANCE & ACCOUNTING RECORDS | | | | | |
| Forecast | Storage | 4 | 1 | 3 | |
| Budget | | | | | |
| - Books | Storage | 25 | 3 | 22 | |
| - Backup | Storage | 10 | 3 | 10 | |
| Capital Plan | Storage | 25 | 5 | 20 | |
| Project Files | Storage | Completion of project plus 5 years | Varies | 5 | Current until completed, then 5 years in storage |
| Bond/Loan Documents | Essential | Indefinite | Varies | Permanent | Current until debt is paid. |
| - Bond Issues and Transcripts | | | | | |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION OR INSTRUCTION OR TRIGGER |
|-------------------------------|--|---|---------|-----------|--|
| | | Total | Current | Storage | |
| Economic Impact Report | Storage | 25 | 5 | 20 | |
| Contracts | Storage | 20 years after contract expiration | Varies | 4 | 20 years after expiration |
| Purchase Orders & Invoices | Current | 5 years | 1 | 4 | |
| Regulations/Directives | Current | 2 years minimum | Varies | N/a | Until Replaced |
| Supply Requisitions | Current | 2 | 1 | 1 | |
| Audited Financial Statements | Permanent | Permanent | 3 | Permanent | |
| General Ledger | Storage | 5 | 3 | 2 | Upon expiration of total period based on fiscal year end date. |
| Fixed Asset Records - Land | Permanent | Permanent | Varies | Permanent | |
| Fixed Asset Records - Other | Storage | 1 year past the life of the asset or 2 year minimum | Varies | Varies | Retained for one year past the life of the asset. |
| Billing Documents and Reports | Storage | 10 | 3 | 7 | Upon expiration of total period based on fiscal year end date. |
| Security Deposit Instruments | Current | 20 years after contract expiration | Varies | N/a | 20 years after contract expiration, until instruments are liquidated or returned to lessee; whichever is greater. |
| Contract Payment Files | Storage | 20 years after contract expiration | Active | Inactive | 20 years after expiration of contract; and required retention period for audit purposes under grant or other restrictive agreements. |

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|--|--|---|---------|---------|---|
| | | Total | Current | Storage | |
| Project and Grant Accounting Files | Storage | 2 years after completion of project or required retention period for audit purposes, which ever is greater. | Varies | Varies | 2 years after completion of project or required retention period for audit purposes, which ever is greater. |
| Payables -- vendors and interdepartmental work orders (other than contracts) | Storage | 5 | 2 | 3 | |
| | | | | | |
| INFORMATION SYSTEM RECORDS | | | | | |
| Purchase Information | Current | 5 | 3 | 2 | 5 years from date of purchase |
| Project Information | Storage | 5 | 2 | 3 | 5 years from completion of project |
| User Access/Request Forms | Current | 2 year minimum | Varies | N/a | As long as employee is active user or 2 years minimum |
| Manuals, Reference Books, Documentation | Current | 2 year minimum | Varies | N/a | Retained as long as product is used or 2 year minimum |
| Software: CD/Rom, floppy disks, magnetic tapes, zip drives | Current | 2 year minimum | Varies | Varies | Retained as long as product is used or 2 year minimum |
| Business Applications | Current | 2 year minimum | Varies | Varies | Retained as long as product is used or 2 year minimum |

MARITIME

RECORD RETENTION AND DESTRUCTION SCHEDULE

| TYPE OF RECORD | RETENTION CATEGORY [e.g., current, permanent] | RETENTION PERIOD | | | REMARKS/ DISPOSITION INSTRUCTION OR TRIGGER |
|--|--|----------------------|------------------------------|-----------------|--|
| | | Total | Current | Storage | |
| Carrier Contract – Original Files | Storage | Term + 25 yrs | Term + 5 years | Varies | |
| Carrier Contract – Working Files | Current | Term + 5 yrs | Term + 5 years | N/A | Correspondence/ support documents |
| Terminal Management Contracts – Original Files | Essential | Term + 25 yrs | Term + 5 years | Varies | |
| Terminal Management Contracts – Working Files | Current | Term + 5 yrs | Term + 5 yrs | N/A | Correspondence / support documents |
| Cargo Terminal Billing Source Documents | Current | 5 years | 5 years | N/A | Admin decision |
| Permits/Licenses | Current | Term + 20 years | Term + 4 years | Term + 16 years | Admin decision |
| General Correspondence Files | Current | 5 years | 5 years | N/A | Admin decision |
| Maritime Ground Leases (located in Real Estate Division) | Essential | Permanent | Duration of tenancy + 1 year | Permanent | |
| Draft Lease or Contract Files | Current | Until final approval | Until final approval | N/A | |
| Request for Proposals Bid Documents | Current | 3 years | 3 years | N/A | Admin decision |
| Budget/Financial Forecast – backup documents | Current | 5 years | 5 years | N/A | Admin decision |
| Annual Port Tonnage Statistics | Essential | Permanent | 25 yrs | Permanent | |
| Tariff – Master Copy | Essential | Permanent | Permanent | N/A | |
| Vessel Logs / Schedules | Essential | Permanent | Permanent | N/A | Record of most working vessels back to 1937 |

Planning & Development (P&D)

RECORD RETENTION AND DESTRUCTION SCHEDULE

Current – Retained in Office
Storage – Retained Off-Site

Permanent – Permanently Retained

Essential – Permanently Retained in Disaster-Proof Containers

Historical – Permanently Retained unless Destroyed through Special Procedures

| TYPE OF RECORD | RETENTION CATEGORY | RETENTION PERIOD | | Storage | REMARKS/DISPOSITION INSTRUCTION OR TRIGGER |
|--|------------------------|-----------------------------------|--|------------------|--|
| | | Total | Current | | |
| Advisory Groups | | | | | |
| Agendas, Membership & Minutes | Current/Storage | Life of Advisory Group + 10 Years | Life of Advisory Group + 2 Years | 8 Years | Review files upon trigger date for possible re-class to Historical status. |
| BCDC | | | | | |
| Permits | Essential | Permanent | Permanent | N/A | Includes Permittee's Copy of permit, application and correspondence. |
| Special Area Plan: Updated/Current Version Prior Versions | Permanent Permanent | Permanent Permanent | Permanent Thru Publication of Updated/Current Version + 5 Years | N/A Permanent | Files to be reviewed on trigger date for transfer to Storage for any extension of Current retention period. |
| City General Plan <i>(Reference documents for Planning and Development projects)</i> | Permanent | Permanent | Permanent | N/A | Includes only documents used for reference purposes in context of Planning & Development projects. |
| Departmental Budget Records | | | | | |
| Capital Plan Projects <i>(Financial Records only; see Development Projects and Planning Projects below for handling of project files)</i> | Current/Storage | Project Completion + 2 Years | Project Completion | 2 Years | Includes Capital Project Request Forms, Contracts, Invoices, etc. |
| Annual Operating Budget <i>(Divisional reference copies only)</i> | Current/Storage | 5 Years | Current Year + 2 Years | 2 years | |
| Development Projects | | | | | |
| Background Studies, Reports, Correspondence & Other Information <i>(Specific files based on project-specific needs; see also Property Reports)</i> | Current/Storage | Project Completion + 5 Years | Project Completion + 1 Year | 4 Years | Specific files based on project needs. Review on trigger date (5 years after construction completion) for any extension of retention period. |
| Commission Agenda Packets | Current/Storage | Project Completion + 5 Years | Project Completion + 2 Years | 3 Years | Port Commission Secretary maintains permanent file. |

RECORD RETENTION AND DESTRUCTION SCHEDULE – Planning & Development (P&D)

Current – Retained in Office
Storage – Retained Off-Site

Permanent – Permanently Retained

Essential – Permanently Retained in Disaster-Proof Containers

Historical – Permanently Retained unless Destroyed through Special Procedures

| TYPE OF RECORD | RETENTION CATEGORY | Total | RETENTION PERIOD Current | Storage | REMARKS/DISPOSITION INSTRUCTION OR TRIGGER |
|--|---|--|--|--------------------------------|---|
| Development Projects (Continued) | | | | | |
| Consulting/Contractor Services: Reports (<i>See Property Reports</i>) RFPs, Proposals, Evaluations, Contracts, & Related Correspondence and/or Background Materials | Current/Storage | Project Completion + 5 Years | Project Completion + 1 Year | 4 Years | <u>Draft</u> documents that are subject of negotiation (e.g. contracts) retained for public review until final approval by Port Commission (and, if needed, Board of Supervisors). Specific files based on project needs. |
| Developer: RFPs & Proposals from Developers Selected for Project Proposals from Developers <u>Not</u> Selected for Project Evaluations of Proposals | Current/Storage Current Current | Project Completion + 25 Years Project Completion + 2 Years Through Lease Approval + 2 Years | Project Completion + 2 Years Project Completion Through Lease Approval + 2 Years | 23 Years 2 Years N/A | Review on trigger date for any extension of retention period. Evaluation summaries in Agenda Packets maintained by Port Commission Secretary. |
| Draft Development Agreements & Leases | Current | Final Approval of Documents | Final Approval of Documents | N/A | <u>Draft</u> docs that are subject of negotiation retained for public review until final approval by Port Commission (and, if needed, Bd. of Supervisors) |
| Final Development Agreements & Lease Documents | Permanent | Permanent | Effective Date of Lease + 2 Years | Permanent | <u>Originals</u> of Lease and Development Agreement merged into Real Estate Dept. files upon effective date of lease; any file copies kept in P&D are for reference purposes only. |
| Related Correspondence and/or Background Materials | Current/Storage | Project Completion + 5 Years | Project Completion + 1 Year | 4 Years | Specific files based on project needs; review on trigger date for any extension of retention period. |
| Environmental/CEQA Compliance (EIRs, Notices of Determination, Categorical Exemptions) | Essential | Permanent | Project Completion + 5 Years | Permanent | |
| State Lands Correspondence | Essential | Permanent | Permanent | N/A | Relates to Burton Act. |

RECORD RETENTION AND DESTRUCTION SCHEDULE – Planning & Development (P&D)

Current – Retained in Office
Storage – Retained Off-Site

Permanent – Permanently Retained

Essential – Permanently Retained in Disaster-Proof Containers

Historical – Permanently Retained unless Destroyed through Special Procedures

| TYPE OF RECORD | RETENTION CATEGORY | RETENTION PERIOD | | REMARKS/DISPOSITION INSTRUCTION OR TRIGGER |
|---|--------------------|------------------------------|--|--|
| | | Total | Current | |
| Draft RFPs | | | | |
| Draft RFPs (<i>see Development and Planning Projects for final RFPs</i>) | Current | Issuance of Final RFP | Issuance of Final RFP | Only most recent draft RFP must be retained through final RFP issuance. |
| Historic Buildings/Districts | | | | |
| Applications/Approvals | Essential | Permanent | Permanent | |
| State Historic Preservation Office Correspondence | Essential | Permanent | Permanent | |
| Background Studies & Reports (<i>see also Property Reports, if applicable</i>) | Permanent | Permanent | 2 Years following District Designation | |
| Photographs | | | | |
| General | Current | 10 Years | 10 Years | Includes digital format photos. Photos reviewed on destruction trigger date for possible re-classification to Historical status. |
| Historical | Historical | Permanent | Permanent | Historic photographs are no longer useful to day-to-day needs but which, because of age and/or historical interest or research value may have historical significance. Special pre-destruction handling required (see records policy). |
| Planning (& Non-Development Capital) Projects | | | | |
| Background Studies, Reports, Correspondence, & Other Information (<i>Specific files based on project-specific needs; see also Property Reports</i>) | Current/Storage | Project Completion + 5 Years | Project Completion + 1 Year | Specific files based on project needs. Review on trigger date (5 years after construction completion) for any extension of retention period. |
| Commission Agenda Packets | Current/Storage | Project Completion + 5 Years | Project Completion + 2 Years | Port Commission Secretary maintains permanent file. |

RECORD RETENTION AND DESTRUCTION SCHEDULE – Planning & Development (P&D)

Current – Retained in Office
Storage – Retained Off-Site

Permanent – Permanently Retained
Essential – Permanently Retained in Disaster-Proof Containers
Historical – Permanently Retained unless Destroyed through Special Procedures

| TYPE OF RECORD | RETENTION CATEGORY | RETENTION PERIOD | | Storage | REMARKS/DISPOSITION INSTRUCTION OR TRIGGER |
|--|--------------------|------------------------------|------------------------------|-----------|---|
| | | Total | Current | | |
| Planning (& Non-Development Capital) Projects (Continued) Consultant/Contractor Services: Reports (See <i>Property Reports</i>) RFPs, Proposals, Evaluations, Contracts, and Related Correspondence and/or Background Materials | Current/Storage | Project Completion + 5 Years | Project Completion + 1 Year | 4 Years | Draft docs that are subject of negotiation (e.g. contracts) retained for public review until final approval by Port Commission (and, if needed, Board of Supervisors). Specific files based on project needs. |
| Environmental/CEQA Compliance (EIRs, Notices of Determination, Categorical Exemptions) | Essential | Permanent | Project Completion + 5 Years | Permanent | |
| State Lands Correspondence | Essential | Permanent | Permanent | N/A | Relates to Burton Act. |
| Property Reports Condition surveys, architectural/engineering reports, historic conditions, and hazardous materials reports | Essential | Permanent | Project Completion + 5 Years | Permanent | |
| Time Sheets | Current | 2 Years | 2 Years | N/A | |
| Waterfront Plan/Design & Access Element | | | | | |
| Current Version | Essential | Permanent | Permanent | N/A | |
| Amendments | Essential | Permanent | Permanent | N/A | |
| Previous Versions | Essential | Permanent | Permanent | N/A | |
| Related Correspondence & Background Files | Current/Storage | 10 Years | 5 Years | 5 Years | Files reviewed on destruction trigger date for any extension of retention period and/or re-classification to Historical status. |

REAL ESTATE

RECORD RETENTION AND DESTRUCTION SCHEDULE

| TYPE OF RECORD | RETENTION CATEGORY | Total | Retention Period Current | Storage | REMARKS/DISPOSITION INSTRUCTION OR TRIGGER |
|---|--------------------|--------------------------------|------------------------------|-------------------------------|---|
| Property Contracts - Original Files | Essential | Permanent | Duration of tenancy + 1 year | Permanent | Original files (includes signed documents only for leases, licenses, MOU's, encroachment permits, operating agreements, amendments) are combined with Insurance Data when sent to storage; archive index includes document reference number, tenant name and posted cancellation date. |
| Property Contracts - Working Files | Current/Storage | Duration of tenancy + 20 years | Duration of tenancy + 1 year | 20 years past term of tenancy | Working files include copy of contracts documents and related correspondence for leases, licenses, MOU's, encroachment permits, operating agreements, amendments; archive index includes document reference number, tenant name and posted cancellation date. These files shall be reviewed for possible historic value before destruction. |
| Pre-Lease Working Files (Drafts) - Leases with less than two-year terms | Current | Until final approval | Until final approval | | Retained for public review until approved by Port Commission and, if applicable, Board of Supervisors |
| Pre-Lease Working Files (Drafts) - Leases Less with term of two years or more | Current | 3 years from final approval | Until final approval | 3 years after final approval | Retained for public review until approved by Port Commission and, if applicable, Board of Supervisors |
| Request For Proposal/Bid Documents | Current/Storage | 3 years | Through lease completion | 3 years | |
| Insurance Certificates | Essential | Permanent | Duration of tenancy | Permanent | Upon contract cancellation, insurance data transferred to Property Contract - Original File. |
| Parking Stall Permits | Current/Storage | Duration of tenancy + 3 | Duration of tenancy + 1 | 2 years | |

| TYPE OF RECORD | RETENTION CATEGORY | RETENTION PERIOD | | | REMARKS/DISPOSITION INSTRUCTION OR TRIGGER |
|--|--------------------|-------------------------------|------------------------------|---------|--|
| | | Total | Current | Storage | |
| | | years | year | | |
| Short-term permits | Current/Storage | Duration of tenancy + 3 years | Duration of tenancy + 1 year | 2 years | Primarily used for film and event venues and property use less than one month |
| Tenant Collection Files | Current/Storage | Duration of tenancy + 5 years | Duration of tenancy | 5 years | |
| Monthly Receivables Reports | Current | 5 years | 5 years | | Aging Summary & Detail; Receivables Status; Collectibility Report |
| Monthly Parking Stall Status Reports | Current | 5 years | 5 years | | |
| Monthly Report of New Leases | Current | 3 years | 3 years | | |
| Monthly Rent Roll Listings by Tenant Name & Facility | Essential | Permanent | Permanent | | Available from 1989 (1966 quarterly only) |
| Lease Log | Essential | Permanent | Permanent | | Record of most property contracts back to early 70's; not complete, but useful for research. |
| Monthly Rent Roll Reconciliation | Current | 5 years | 5 years | | |
| Budget/Financial Forecast Back-Up Documents | Current | 5 years | 5 years | | |
| Chronological Files (Correspondence, Etc.) | Current/Storage | 3 years | 1 year | 2 years | |

SAN FRANCISCO PORT COMMISSION

APRIL 26, 2005
MINUTES OF THE MEETING

DOCUMENTS DEPT.

MAY - 6 2005

SAN FRANCISCO
PUBLIC LIBRARY

MEMBERS, PORT COMMISSION

HON. WILFRED HSU, PRESIDENT
HON. MICHAEL HARDEMAN, VICE PRESIDENT
HON. KIMBERLY BRANDON
HON. SUE BIERMAN
HON. ANN LAZARUS

MONIQUE MOYER, EXECUTIVE DIRECTOR

CITY & COUNTY OF SAN FRANCISCO PORT COMMISSION

MINUTES OF THE MEETING APRIL 26, 2005

1. CALL TO ORDER / ROLL CALL

Commission President Wilfred Hsu called the meeting to order at 3:12 p.m. The following Commissioners were present: Wilfred Hsu, Michael Hardeman, Kimberly Brandon, Sue Bierman and Ann Lazarus.

2. APPROVAL OF MINUTES - April 12, 2005 Meeting

ACTION: Commissioner Brandon moved approval; Commissioner Hardeman seconded the motion. All of the Commissioners were in favor; the minutes of the April 12, 2005 meeting were adopted.

3. EXECUTIVE

A. Executive Director's Report: Ms. Moyer reported the following:

- Chief Harbor Engineer: Ed Byrne, the acting Chief Harbor Engineer for 18 months, has been appointed the permanent Chief Harbor Engineer position. She thanked him for performing both duties and supports him in his new role. The Chief Harbor Engineer is responsible for all of the Port's 20 million square feet of space. His license is on the line when determinations are made about safety and other risks at the Port. The Chief Harbor Engineer has 20 engineers reporting to him. In contrast, the Chief Engineer at the airport has 100 engineers and is responsible for 14 million square feet of space. It is a very important and critical job. Mr. Byrne and the engineering staff deserve all of our support and encouragement particularly when he has to make tough decisions about safety and opportunities at the waterfront. In lieu of his absence today, she asked the Commission to talk to him at another time.
- Pier 64/Mission Bay: Pier 64 has had some contamination issues dating back decades from the previous use related to oil. The Regional Water Quality Control Board has issued an order both to the oil companies and to the Port for remediation, clean up and monitoring. The Port is issuing several different agreements to the oil companies and their representatives to provide them with access to our share of the properties. A lot of the properties are not on Port properties. We agreed that they can stock pile on an interim basis some non-hazardous materials primarily crash concrete that will go back into the remediation plan. That will happen in the next 12 months. She asked the Commission not to be alarmed if they drive by Terry Francois and see a pile growing out there. It's part

of the Port's overall obligations and responsibilities. At the end of this process, the Port should have a lovely, clean property and be much better rewarded for it.

- The Friends of City Planning is holding an event on May 3, 2005 from 5:30 to 8:30 focusing on "Revitalizing Our Historic Resources". It will be held at the Julia Morgan ballroom in the Merchant's Exchange on California Street. The Port's National Register Nomination which is Pier 45-48 will be discussed as well as the Central Waterfront and Pier 70. They have requested the Commission to attend the event. Many of Port staff will be participating.
- International Museum of Women. Last week, the IMOW determined that it was not economically feasible for them to move forward with their project at Pier 26. Staff is in the process of terminating their ERN. They will be looking for a new home in San Francisco. There were multitude of reasons for their decision; one of which was the expense of doing the substructure improvements before they could even begin to do capital investments that would be related solely to their program. They would need to do extensive substructure improvements at Pier 26 and they have determined that this is not something they would like to take on. Staff will be moving forward at Pier 26. The Port has current tenants; some have been on hold or on 1 interim leases waiting for this development project. This would give staff an opportunity to talk to the tenants about renewing their leases for a longer period as well as there's some asset repairs that need to be made that we haven't made on the theory that the shed would be renovated anyway. It is not a high priority for staff to determine a new development plan at Pier 26. It was IMOW's choice of location as opposed to a solicitation from the Port.
- The dredging at Pier 35 is almost complete and dredging at Fisherman's Wharf will begin shortly thereafter. It will take place in the month of May into early June. Staff will notify tenants and constituents.

Ms. Moyer wished Commissioner Brandon a Belated Happy Birthday.

Commissioner Bierman indicated that the International Museum of Women is a big loss and asked if there's anyway to make it work somewhere in the Port or near by. She went to a preview show and it gave her an international feel of the museum because their collection came from all over the world. It's something that people would love to see. Ms. Moyer indicated that IMOW has done an incredible job of collecting artifacts for the museum as well as combining the historic aspects of the museum with current events. It's the intention of the IMOW's board to find a new home. They are proceeding with their exhibit but they are not going to be looking for a pier because 31 of our 39 piers have not had that kind of maintenance over the last hundred years. They will be looking for a different type of space. They determined that the pier space was not conducive to the layout they want to have.

- B. Request for approval and adoption of Port of San Francisco Records Retention and Destruction Policy and Records Retention and Destruction Schedule. (Resolution No. 05-27)

Renee Dunn, Communications Manager, requested Commission's approval of the proposed Port's Records Retention and Destruction Policy and Schedule. Under Section 67.29 of the Administrative Code, the City Administrator is responsible for maintaining the Records Retention and Destruction Policy and Schedule for all City departments. This information is to be posted on the City's website for use by the public, City officials and staff. To comply with this requirement, the Port developed a Records Retention and Destruction Policy outlining the general policies governing the Port's policies for retention, storage and destruction of Port business records. In addition, Port staff prepared a Records Retention and Destruction Schedule which indicates the time periods of retention and destruction for various records by specific category. The four categories are: Permanent Retention, Current Records, Storage Records and No Retention Required. Upon Commission's approval of the Port's Retention and Destruction Policy and Schedule, staff will seek approval from the Controller, the Retirement Board and the City Attorney. Ms. Dunn indicated that the schedule for the Maintenance Division was inadvertently left out from the mailing package and is provided to the Commission at this time. Staff also would like to amend the last resolved clause in Resolution 05-27 to read as follows: "Resolved that the Executive Director is hereby authorized to make such further changes and modifications to the records retention and destruction schedule that are consistent with the Records Retention and Destruction Policy subject to approval by the Controller, Retirement Board and City Attorney's office; provided, however that staff shall obtain Commission approval of any such changes that reduce the retention period for a category of Current Records or Storage Records from five years or more to less than five years, or any changes that creates a new category of Current Records or Storage Records with a retention period of less than five years."

ACTION: Commissioner Hardeman moved approval of resolution as amended; Commissioner Brandon seconded the motion. All of the Commissioners were in favor; Resolution No. 05-27 was adopted.

4. NEW BUSINESS / AGENDA SETTING

Ms. Moyer indicated that several items are on the May 10, 2005 Commission calendar. Representatives from the Public Utilities Commission will make a presentation to the Commission regarding their plan with respect to the peakers and the locations they have envisioned. They have been holding community meetings for quite some time and will be making the same presentation to the Port Commission. This will give the Port an opportunity to ask questions and provide input to the project.

Staff is reviewing Assemblyman Leno's legislation with respect to limiting the number of crab traps at Fisherman's Wharf. Staff will prepare a recommendation to the Commission at the next meeting.

An MOU with the Department of Parking and Traffic (DPT) will be presented to the Commission for approval at the next meeting for the premises they occupy at Pier 70. They are on a hold-over status under their current MOU. DPT has a new operator and has negotiated new terms to their agreement. The MOU will be presented to the Board of

Supervisors once the Commission approves it.

With regard to the revised contract for the Amador Street improvements, staff has been having difficulty working with the contractor because he has moved on to different projects. This item will probably be moved to the June meeting.

As the Commission may recall, staff was working on the living classroom being at Heron's Head Park. This item will be presented at the next meeting for approval.

Also at the next meeting, staff will request the Commission to adopt a new rental rate schedule which has not been done for approximately two years. It is her intention to seek Commission's approval of the rental rate schedule at the beginning of or in advance of each new fiscal year on an annual basis even if it's to adopt the same rates. Likewise, staff will be seeking Commission's approval of the annual parking rates. Staff has not sought Commission's approval regarding parking rates in quite some time. It is also her intention to seek Commission's approval of this item annually. Those rates would affect anybody parking at the Port including the employees. There will be a schedule of parking rates in various locations on Port property.

The triangle parking lot amendment will probably be delayed again as staff addresses the issues related to the amendment. Staff will present to the Commission the lease policy and procedure in June. The new deputy director of Real Estate will begin working at the Port on May 2, 2005.

The City budget process is underway. Harvey Rose, budget analyst, is working on the Port's budget and has asked for tremendous amount of information, a little different than what's been asked for in the past. There will be a town hall meeting with Supervisor Alioto Pier and Supervisor Peskin regarding the budgets of all the enterprise departments including the Port. There will also be two hearings in front of the Board of Supervisors. Staff will report back to the Commission on June 14th if there any changes that come out of that process.

Supervisor Bierman asked about the date of the town hall meeting. Ms. Moyer replied that the meeting will be held on May 5, 2005. Several of the enterprise departments as well as the Fire and Police Department will be attendance. The Port will be a very small factor of that meeting. With respect to the town hall meeting and appearances in front of the Board of Supervisors, Ms. Moyer indicated that it would be great to have some support at those meetings. At the moment, staff is waiting to hear from the budget analyst before staff can ask for specific support.

5. PUBLIC COMMENT

William Stephens, Historic Ships Memorial at Pacific Square, building on prior effort to build community support, he read a letter from Barbara Meskunas, President of the Coalition of San Francisco Neighborhoods addressed to the Mayor, Board of Supervisors, Clerk of the Board, Port Commission and the US Navy. It states, "At its April meeting, the Coalition for San Francisco Neighborhoods passed the following resolution: Therefore, be it resolved, that the CSFN urges the Mayor to make a formal declaration for the transfer of

the USS Iowa to the Port of San Francisco, requiring it to designate a pier assignment without further delay. The CSFN is an umbrella organization representing more than forty groups from throughout the City. The CSFN urges your strong support and action on this resolution. Thanking you in advance for your support and action.” Mr. Stephens indicated that this week, they will be visiting Pier 48 with their engineers and the Port’s representatives to take a hard and steadfast look at this location as another possible berth for the Iowa. It is their final pier engineering project for the proposal that will they will be submitting to the Port.

Merylin Wong, HSMPS, showed the Commission a scale model of the Iowa. It is their goal to submit a proposal and bring the ship to the Port. Yesterday, they met with Thomas J. Vilsack, Governor of the State of Iowa. Like all the citizens they talked with during their three-day visit to Des Moines, all of them are ready to help in anyway to make this noble endeavor a reality. The Governor of Iowa executed and presented a letter to them. It states, “I am writing to voice my support for the proposal to relocate the USS Iowa to San Francisco, where she can serve as a magnificent war memorial. This would be a fitting tribute to the sacrifices and loyal service Iowa’s crew gave while defending our country from aggression. Although we can probably never individually thank all the crew members who served aboard this mighty warship, nor recognize all the singular acts of heroism and valor that occurred aboard the vessel, the sailors, soldiers and marines of the USS Iowa deserve this remembrance. I can think of no finer way to honor the USS Iowa than to have as her final resting place a berth in one of our nation’s most beautiful cities. Citizens from around the country and world could visit to pay tribute to her beauty, majesty and grace. The Iowa can serve no greater purpose than to educate our citizenry that freedom is not free. Thank you for your consideration and for your attention to this important issue.” The Governor repeatedly offered his assistance in bringing the Iowa to San Francisco and that they can count on the Governor and the State of Iowa to help in anyway they can. On their way home from Iowa, she came upon an airline magazine article entitled, On the Waterfront. The article featured major port cities including the Port of San Francisco and the idea is to promote travel to those areas. The article mentioned historic ships, World War II vessels and miles of docks decked out with fluttering sails. It talked about the Jeremiah O’Brien and the USS Pampanito with whom they hope the Iowa would one day join.

James Bryant, President and Western Region Director of the A. Philip Randolph Institute, indicated that the institute has been working diligently in the Bayview Hunter’s Point community for many years. He asked the Commission to support the closing of the Hunter’s Point PG&E plant and issue the permit which is necessary for them to continue the project. The project has 9 different points of resolution; five are done. The current resolution is in fact the Potrero to Hunter’s Point. If the item comes before the Commission, he asked that the Commission considers it with due diligence as possible as they would not like to disrupt the process of closing the plant.

6. EXECUTIVE SESSION

- A. Vote on whether to hold closed session to confer with Legal Counsel and Real Property Negotiator.

ACTION: Commissioner Brandon moved approval; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor.

At 3:40 p.m. the Commissioners withdrew to open session to discuss the following:

B. CLOSED SESSION

(1) CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION MATTERS. (Discussion and/or Action Items)

a. Discuss existing litigation matters pursuant to Section (a) of California Government Code Section 54956.9 and San Francisco Administrative Code Section 67.10(d) (2 cases):

- Specialty Crushing, Inc., a California Corporation vs. City and County of San Francisco et al. Superior Court No. 437-349.
- In re Pacific Gas and Electric Company, United States Bankruptcy Court, Northern District of California, San Francisco; Case No. 01 30923 DM.

(2) CONFERENCE WITH REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8.

This session is closed to any non-City/Port representative.*

- a. Property: Pier 15 and 17 (at Embarcadero)
Person Negotiating: Port: Byron Rhett, Director of Planning & Development
*Exploratorium: Dr. Goéry Delacôte
- b. Property: Pier 39
Person Negotiating: Port: Monique Moyer, Executive Director
*Aquarium by the Bay: John Frawley
- c. Property: Pier 70
Person Negotiating: Port: Brad Benson, Special Projects Manager
*Dept of Parking & Traffic: Stuart Sunshine

7. RECONVENE IN OPEN SESSION

At 5:34 p.m. the Commission withdrew from executive session and reconvened in open session.

ACTION: Commissioner Hardeman moved approval to adjourn executive session and reconvene in open session; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor.

ACTION: Commissioner Hardeman moved approval not to disclose any information discussed in executive session; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor.

8. COMMUNICATIONS

9. ADJOURNMENT

ACTION: Commissioner Hardeman moved approval to adjourn the meeting; Commissioner Lazarus seconded the motion. All of the Commissioners were in favor.

Commission President Wilfred Hsu adjourned the meeting at 5:35 p.m.

